

KFM House journal of the 54<sup>th</sup> legislature, 1995,  
9018 Vol.2

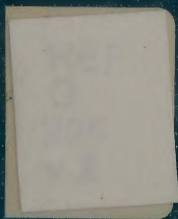
.A2  
1995  
54<sup>TH</sup>  
V.2

Montana State Library



3 0864 1007 0089 0

S214









KFH  
9018  
A2  
1995  
54th  
V.2

Bill Number: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Title: \_\_\_\_\_

Section 1. \_\_\_\_\_  
Section 2. \_\_\_\_\_  
Section 3. \_\_\_\_\_

Section 4. \_\_\_\_\_  
Section 5. \_\_\_\_\_

Section 6. \_\_\_\_\_  
Section 7. \_\_\_\_\_  
Section 8. \_\_\_\_\_

Section 9. \_\_\_\_\_  
Section 10. \_\_\_\_\_

Section 11. \_\_\_\_\_  
Section 12. \_\_\_\_\_  
Section 13. \_\_\_\_\_  
Section 14. \_\_\_\_\_

Section 15. \_\_\_\_\_  
Section 16. \_\_\_\_\_  
Section 17. \_\_\_\_\_  
Section 18. \_\_\_\_\_

SECTION 19. \_\_\_\_\_

Section 20. \_\_\_\_\_  
Section 21. \_\_\_\_\_  
Section 22. \_\_\_\_\_  
Section 23. \_\_\_\_\_







**HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 18, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Alvin A. Ellis, Jr. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

February 18, 1995  
**TRANSMITTAL AGREEMENT**

It is hereby agreed that the following bills shall be treated as hereinafter set forth for the purposes of transmittal:

1. All bills in the Appropriations Committee, as well as the following appropriations bills, shall be subject to the 67th day transmittal deadline.

House Bill No.

HB 490

HB 349

HB 521

2. All bills in the Taxation Committees and the Select Committee on Ethics shall be transmitted between houses no later than the 71st legislative day, and the following bills shall be subject to the 71st day transmittal deadline.

House Bill No.

HB 517      HB 554

HB 078      HB 567

HB 085      HB 202

LC 1149

Senate Bill No.

SB 356      SB 408

SB 366      SB 409

SB 382      SB 410

SB 390

Signed:

John A. Mercer - Speaker of the House

Ray Peck - House Minority Leader

Bob Brown - President of the Senate

Mike Halligan - Senate Minority Leader

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

2/18/95

Correctly engrossed for third reading: HB 41, HB 100, HB 150, HB 176, HB 231, HB 259, HB 270, HB 289, HB 362, HB 364, HB 365, HB 408, HB 412, HB 417, HB 420, HB 421, HB 424, HB 425, HB 428, HB 432, HB 433, HB 434, HB 448, HB 449, HB 455, HB 457, HB 460, HB 462, HB 463, HB 472, HB 474, HB 475, HB 479, HB 488, HB 494, HB 502, HB 536, HB 537, HB 547, HJR 20.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

2/18/95

HEALTH CARE (Orr, Chairman):

**HB 466**, introduced bill, be amended as follows:

1. Title, line 10.

Following: "EMPLOYEES;"

Insert: "CONTINGENTLY"

2. Title, line 11.

Following: "PLANS;"

Insert: "REQUIRING AN ANNUAL ACTUARIAL REVIEW OF THE SMALL EMPLOYER CARRIER REINSURANCE PROGRAM; LIMITING THE ASSESSMENT ON ASSESSABLE CARRIERS WHO ARE NOT SMALL EMPLOYER CARRIERS;"

3. Title, line 12.

Following: "33-22-1811,"

Insert: "33-22-1819,"

4. Title, line 13.

Following: "AND"

Insert: "CONTINGENTLY"

5. Page 1, line 27.

Strike: "including"

Insert: "excluding"

6. Page 2, lines 4 through 6.

Following: line 3

Insert: "[" on line 4

Strike: subsection (5) in its entirety

Insert: "][ (5) "Basic health benefit plan" means a lower cost health benefit plan developed pursuant to 33-22-1812.]"

7. Page 2, lines 10 and 11.

Following: "corporation," on line 10

Insert: "and"

Strike: ", and," on line 10 through "arrangement" on line 11

8. Page 2, line 26.

Following: line 25

Insert: "["

Following: "~~33-22-1812.~~"

Insert: "]" [(10) "Committee" means the health benefit plan committee created pursuant to 33-22-1812.]"

9. Page 4, line 29.

Page 5, line 2

Following: "under the"

Insert: "[uniform] ["

Following: "basic"



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Insert: "]"

10. Page 5, lines 26 and 27.

Following: "~~(27)~~" on line 26

Insert: "["

Strike: "Standard" on line 26

Insert: "Uniform"

Strike: "[section 6]." on line 27

Insert: "the uniform health benefit plan (section 3) as provided in House Bill No. 31.] ["Standard health benefit plan" means a health benefit plan developed pursuant to 33-22-1812.]"

11. Page 9, line 25.

Following: "to small employers"

Insert: "[the uniform benefit plan (section 3) as provided in House Bill No. 531.] ["

12. Page 9, line 27.

Following: "plan."

Insert: "]"

13. Page 9, lines 28 and 29.

Following: the first "a"

Insert: "[uniform health benefit plan (section 3) as provided in House Bill No. 531] ["

Following: the first "plan" on line 29

Insert: "]"

Following: "for" on line 29

Insert: "[the] ["

Following: "either" on line 29

Insert: "]"

14. Page 10, line 3.

Following: "employers"

Insert: "[a uniform health benefit plan (section 3) as provided in House Bill No. 531] ["

15. Page 10, line 4.

Following: the second "plan"

Insert: "]"

16. Page 10, line 8.

Following: "a"

Insert: "[uniform] ["

Following: "standard"

Insert: "]"

17. Page 10, line 21.

Following: "the"

Insert: "[uniform health benefit plan (section 3) as provided in House Bill No. 531] ["

18. Page 10, line 22.

Following: "plans"



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Insert: "]"

19. Page 10, line 24.

Following: "carrier of a"

Insert: "[uniform health benefit plan (section 3) as provided in House Bill No. 531] ["

20. Page 10, line 25.

Following: "benefit plan"

Insert: "]"

21. Page 11, line 21.

Following: "modify"

Insert: "[the uniform health benefit plan (section 3) as provided in House Bill No. 531] ["

Following: "plan"

Insert: "]"

22. Page 12, line 20 through page 14, line 25.

Strike: sections 5 and 6 in their entirety

Renumber: subsequent sections

23. Page 14.

Following: line 25

Insert: "Section 5. Section 33-22-1819, MCA, is amended to read:

"33-22-1819. Program plan of operation -- treatment of losses -- exemption from taxation. (1) Within 180 days after the appointment of the initial board, the board shall submit to the commissioner a plan of operation and may at any time submit amendments to the plan necessary or suitable to ensure the fair, reasonable, and equitable administration of the program. The commissioner may, after notice and hearing, approve the plan of operation if the commissioner determines it to be suitable to ensure the fair, reasonable, and equitable administration of the program and if the plan of operation provides for the sharing of program gains or losses on an equitable and proportionate basis in accordance with the provisions of this section. The plan of operation is effective upon written approval by the commissioner.

(2) If the board fails to submit a suitable plan of operation within 180 days after its appointment, the commissioner shall, after notice and hearing, promulgate and adopt a temporary plan of operation. The commissioner shall amend or rescind any temporary plan adopted under this subsection at the time a plan of operation is submitted by the board and approved by the commissioner.

(3) The plan of operation must:

(a) establish procedures for the handling and accounting of program assets and money and for an annual fiscal reporting to the commissioner;

(b) establish procedures for selecting an administering carrier and setting forth the powers and duties of the administering carrier;

(c) establish procedures for reinsuring risks in accordance with the provisions of this section;

(d) establish procedures for collecting assessments from assessable carriers to fund claims incurred by the program;

(e) establish procedures for allocating a portion of premiums collected from reinsuring carriers to fund administrative expenses incurred or to be incurred by the program; and

(f) provide for any additional matters necessary for the implementation and administration of the program.

(4) The program has the general powers and authority granted under the laws of this state to insurance companies and health maintenance organizations licensed to transact business, except the power to issue health benefit plans directly to either groups or individuals. In addition, the program may:



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

(a) enter into contracts as are necessary or proper to carry out the provisions and purposes of this part, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions;

(b) sue or be sued, including taking any legal actions necessary or proper to recover any premiums and penalties for, on behalf of, or against the program or any reinsuring carriers;

(c) take any legal action necessary to avoid the payment of improper claims against the program;

(d) define the health benefit plans for which reinsurance will be provided and to issue reinsurance policies in accordance with the requirements of this part;

(e) establish conditions and procedures for reinsuring risks under the program;

(f) establish actuarial functions as appropriate for the operation of the program;

(g) appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in operation of the program, policy and other contract design, and any other function within the authority of the program;

(h) to the extent permitted by federal law and in accordance with subsection (8)(c), make annual fiscal year end assessments against assessable carriers and make interim assessments to fund claims incurred by the program; and

(i) borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default are legal investments for carriers and may be carried as admitted assets.

(5) A reinsuring carrier may reinsure with the program as provided for in this subsection (5):

(a) With respect to a basic health benefit plan or a standard health benefit plan, the program shall reinsure the level of coverage provided and, with respect to other plans, the program shall reinsure up to the level of coverage provided in a basic or standard health benefit plan.

(b) A small employer carrier may reinsure an entire employer group within 60 days of the commencement of the group's coverage under a health benefit plan.

(c) A reinsuring carrier may reinsure an eligible employee or dependent within a period of 60 days following the commencement of coverage with the small employer. A newly eligible employee or dependent of the reinsured small employer may be reinsured within 60 days of the commencement of coverage.

(d) (i) The program may not reimburse a reinsuring carrier with respect to the claims of a reinsured employee or dependent until the carrier has incurred an initial level of claims for the employee or dependent of \$5,000 in a calendar year for benefits covered by the program. In addition, the reinsuring carrier is responsible for 20% of the next \$100,000 of benefit payments during a calendar year and the program shall reinsure the remainder. A reinsuring carrier's liability under this subsection (d)(i) may not exceed a maximum limit of \$25,000 in any calendar year with respect to any reinsured individual.

(ii) The board annually shall adjust the initial level of claims and maximum limit to be retained by the carrier to reflect increases in costs and utilization within the standard market for health benefit plans within the state. The adjustment may not be less than the annual change in the medical component of the consumer price index for all urban consumers of the United States department of labor, bureau of labor statistics, unless the board proposes and the commissioner approves a lower adjustment factor.

(e) A small employer carrier may terminate reinsurance with the program for one or more of the reinsured employees or dependents of a small employer on any anniversary of the health benefit plan.

(f) A small employer group health benefit plan in effect before January 1, 1994, may not be reinsured by the program until January 1, 1997, and then only if the board determines that sufficient funding sources are available.

(g) A reinsuring carrier shall apply all managed care and claims-handling techniques, including utilization review, individual case management, preferred provider provisions, and other managed care provisions or methods of operation consistently with respect to reinsured and nonreinsured business.

(6) (a) As part of the plan of operation, the board shall establish a methodology for determining premium rates to be charged by the program for reinsuring small employers and individuals pursuant to this section. The



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

methodology must include a system for classification of small employers that reflects the types of case characteristics commonly used by small employer carriers in the state. The methodology must provide for the development of base reinsurance premium rates that must be multiplied by the factors set forth in subsection (6)(b) to determine the premium rates for the program. The base reinsurance premium rates must be established by the board, subject to the approval of the commissioner, and must be set at levels that reasonably approximate gross premiums charged to small employers by small employer carriers for health benefit plans with benefits similar to the standard health benefit plan, adjusted to reflect retention levels required under this part.

(b) Premiums for the program are as follows:

(i) An entire small employer group may be reinsured for a rate that is one and one-half times the base reinsurance premium rate for the group established pursuant to this subsection (6).

(ii) An eligible employee or dependent may be reinsured for a rate that is five times the base reinsurance premium rate for the individual established pursuant to this subsection (6).

(c) The board ~~periodically~~ shall annually review the methodology established under subsection (6)(a), including the system of classification and any rating factors, to ensure that it is actuarially sound and that it reasonably reflects the claims experience of the program. The board may propose changes to the methodology that are subject to the approval of the commissioner.

(d) The board may consider adjustments to the premium rates charged by the program to reflect the use of effective cost containment and managed care arrangements.

(7) If a health benefit plan for a small employer is entirely or partially reinsured with the program, the premium charged to the small employer for any rating period for the coverage issued must meet the requirements relating to premium rates set forth in 33-22-1809.

(8) (a) Prior to March 1 of each year, the board shall determine and report to the commissioner the program net loss for the previous calendar year, including administrative expenses and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(b) To the extent permitted by federal law, each assessable carrier shall share in any net loss of the program for the year in an amount equal to the ratio of the total premiums earned in the previous calendar year from health benefit plans delivered or issued for delivery by each assessable carrier divided by the total premiums earned in the previous calendar year from health benefit plans delivered or issued for delivery by all assessable carriers in the state.

(c) The board shall make an annual determination in accordance with this section of each assessable carrier's liability for its share of the net loss of the program and, except as otherwise provided by this section, make an annual fiscal year end assessment against each assessable carrier to the extent of that liability. If approved by the commissioner, the board may also make interim assessments against assessable carriers to fund claims incurred by the program. Any interim assessment must be credited against the amount of any fiscal yearend assessment due or to be due from an assessable carrier. Payment of a fiscal yearend or interim assessment is due within 30 days of receipt by the assessable carrier of written notice of the assessment. An assessable carrier that ceases doing business within the state is liable for assessments until the end of the calendar year in which the assessable carrier ceased doing business. The board may determine not to assess an assessable carrier if the assessable carrier's liability determined in accordance with this section does not exceed \$10.

(d) An assessable carrier who is not a small employer carrier is not subject to an assessment of more than 5% of its underwriting profit on a line of insurance offered by the carrier.

(9) The participation in the program as reinsuring carriers; the establishment of rates, forms, or procedures; or any other joint collective action required by this part may not be the basis of any legal action, criminal or civil liability, or penalty against the program or any of its reinsuring carriers, either jointly or separately.

(10) The board, as part of the plan of operation, shall develop standards setting forth the minimum levels of compensation to be paid to producers for the sale of basic and standard health benefit plans. In establishing the standards, the board shall take into consideration the need to ensure the broad availability of coverages, the objectives of the program, the time and effort expended in placing the coverage, the need to provide ongoing service



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

to small employers, the levels of compensation currently used in the industry, and the overall costs of coverage to small employers selecting these plans.

(11) The program is exempt from taxation.

(12) On or before March 1 of each year, the commissioner shall evaluate the operation of the program and report to the governor and the legislature in writing the results of the evaluation. The report must include an estimate of future costs of the program, assessments necessary to pay those costs, the appropriateness of premiums charged by the program, the level of insurance retention under the program, the cost of coverage of small employers, and any recommendations for change to the plan of operation."

Renumber: subsequent sections

24. Page 14, lines 28 and 29.

Following: "board" on line 28

Insert: "["

Following: "~~committee~~,"

Insert: "]" [, in consultation with members of the committee,]"

25. Page 15, lines 11 and 12.

Following: "part" on line 11

Insert: "["

Following: "~~part~~." on line 12

Insert: "]" [but do apply to a standard health benefit plan delivered or issued for delivery to small employers in this state pursuant to this part.]"

26. Page 15, line 14.

Strike: "Repealer."

Insert: "Contingent repealer."

Following: "repealed"

Insert: "contingent upon the passage and approval of House Bill No. 531"

27. Page 15, line 15.

Insert: "

NEW SECTION. Section 9. Coordination instruction. If House Bill No. 531 is passed and approved, then the material in the first set of brackets referring to the uniform health benefit plan (section 3) as provided in House Bill No. 531 or to the health benefits plan committee is to be codified. If House Bill No. 531 fails, then the material in the second set of brackets referring to basic and standard health benefit plans and deleting references to the health benefits plan committee must be codified."

28. Page 15, lines 16 through 18.

Strike: section 10 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**HB 569**, introduced by Orr, referred to Committee on Taxation.

**SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Speaker Mercer, United States Representative Pat Williams was escorted to the rostrum by Representatives Quilici and Shea and gave the following address:

**REPRESENTATIVE WILLIAMS' ADDRESS  
To the Montana House of Representatives  
February 18, 1995**

Mister Speaker, ladies and gentlemen, members of Montana's 54th Legislature, and my fellow Montanans.

Thanks for inviting me. This visit marks the ninth time I have come before you. The Montana Legislature has been very gracious in your open invitation to Members of the Delegation. Thank you.

It is now seventeen years since I accepted your first invitation to me - then a freshman. During those years Montanans have now elected me to more consecutive terms in the U. S. Congress than given to any other Montanan in our state's history.

During those years I, like all elected officials - like you - have gained understanding and sharpened my opinions. I have come to believe that we Montanans share certain common beliefs, and I'd like to share those thoughts with you.

It was one hundred and ninety-five years ago this winter when Captains Meriwether Lewis and William Clark entered Montana near the confluence of the Missouri and the Yellowstone. The party consisted of thirty-three men and one young woman, Sacajawea, with her son. The woman, 18 years of age, of native people called the Snake, was the only member of President Jefferson's historic expedition who could be said to be headed home to a people she knew.

All of us throughout Montana, native and others alike, are descendants of those early travelers. These two centuries later we still explore; we still hunt and fish and trap. We learn, we agree, we dispute, we despair, we enjoy. We seek to understand.

Despite our state's vastness and its geographic differences, west to east; despite our state's often competing economic interests; and even despite the very real political differences among our citizens, I believe that in the majority we Montanans share some important common themes.

We want a thriving economy; good jobs at good salaries under safe working conditions. Our people know full well that this state cannot progress on jobs that pay only the minimum wage. In the past the understanding that we needed good paying jobs encouraged us to rely on the resource extraction industries for our financial underpinnings, and we understand that those industries are also a part of our future. Today, however, few Montanans would rely exclusively upon those industries alone to guide our economy into the next century.

We have learned the hard lesson from boom and bust, followed by the futile efforts to remake nature. I believe that we Montanans have now determined that the impetus of our economic growth must come from inside our state and our region; and ethic of place; growth that utilizes the energy and talents of our own people. Montanans understand that our early failures to initiate and determine our economic growth resulted in Montana being treated



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

as an economic colony - and we have the scars to prove it.

This relatively new ethic of place, has, of course, significant meaning for our small businesses as well as for our natural resource policies. During the past seventeen years I have come to know that Montanans are determined to protect this place. They want no more of despoiling the land and fouling our air and water. Montanans are committed to expanding the concepts of conservation to assure that we will pass on a green and flourishing estate to our decedents - so committed that we demanded it in our new state constitution.

This determination is not political on the part of Montanans - it is practical. It reflects our late come recognition of the simple importance of protecting watersheds, habitats, fisheries, and agriculture land. It has to do with our common understanding that we are of the landscape. It defines us: our storytelling, our enterprise. Montana's landscape is our celebration. In the struggle to preserve it we are conserving hope.

Montana's public schools are a tradition of which Montanans are proud, and which we also hold in common. Our citizens believe that good schools and good teachers are the right tasks for us because they provide our citizens with the skills of freedom. And while we recognize that the federal government has been correct to pursue the critical matter of equity in our schools through efforts such as Head Start and Pell Grants, we do not want the federal government deciding matters of curriculum, or which teachers are fit enough for our local school boards to hire. Nor do we want federal education officials deciding when or where our children shall pray.

Along with education, Montanans, I believe also hold a common belief about government. Despite our understandable partisan differences, we share a common view of government generally and its role in our lives, especially government at the national level and especially now in these tumultuous closing days of the Twentieth Century.

More perhaps than for most Americans, our links to the national government, the federal government, stretch back in time to the opening of our western frontiers and the defining role that the government had in it.

More also than for most Americans, we Montanans witnessed and understood and enjoyed the singular and powerful help the national government asserted as an engine for prosperity and growth in this state. The evidence is ample and often physical and surrounds us and touches all of our lives, from the imposing dams that span our rivers and provide power and water for our farmers and ranchers and cheap electricity for all of us, the miles of wire that stretch across our remote countryside and bring light and conversation to our families, the ribbons of steel and pavement so critical to commerce and transportation, the airports that serve our major cities.

In the jargon of bureaucracies it is called infrastructure, but in our state's economic life it is the stabilizing flywheel that only the federal government could provide in encouraging development and productivity.

But, make no mistake, Montanans also share a healthy reserve and reluctance about our neighbor the federal government, about its ever possible interference in our lives and ambitions. We have held this wariness for decades and we should continue to do so, not out of an exaggerated and inflamed fear but out of a normal, healthy, constructive determination to protect our civil liberties against government's impulse to dominate.

Montanans do not believe that the federal government is America's enemy but we do know that there is a legitimate and frankly necessary place for consistent questioning and reasoned objections.

We Montanans also share a common concern for a most recent phenomenon - the growth that is rippling through many of our communities.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Montana has had the simultaneous luxury and disadvantage of remoteness geographically from the outside, sequestered safely here high up in the northern rockies and on the plains, not always enjoying the rate of growth of neighboring states but sheltered in a way from its downside.

Now growth - and change - are upon many of our communities and the ripples have become waves. Since the 1990 census, Montana has already gained sixty thousand additional citizens, and nearly a dozen of our counties are growing at twice or even triple the rate of growth in the nation.

Ravalli, the Gallatin, Lake, Jefferson, the Flathead, Sanders, Broadwater, Carbon and the Stillwater, Missoula and Mineral, Yellowstone and Park, here in Lewis and Clark, the growth is dramatic and the prognosis is for continued expansion.

Of the newcomers who are helping swell those numbers, we have a traditional Montana curiosity and humor. My Irish friends in Butte have a term for new arrivals - they call them "blow-ins." The test, perhaps the test of our winters, will be whether these blow-ins become "stickers." We'll see how many stickers there are.

Montanans are not necessarily resistant to growth. We are, however, united in our desire that the growth reaches equitably to all of our citizens, that the accompanying prosperity benefits the many and not the few, that development does not despoil our water or our land or our air or shut us out of access to our own land - state and federal land. We want to be sure that the transforming pace of change does not alter the values and traditions and Montana way of life we treasure.

Finally, our common anxiety about growth and change is understandable; it is born of the pride we hold in common for this last best place, a land so expansive in our imagination and aspirations. Anxiety and pride, perhaps different manifestations of the same love we share for this land. Love, not an emotional teen-age infatuation but a common love for Montana that binds us together as a people and reminds us of the special heritage we share in common and the promising future within our grasp. May we all do all we can to care for this land and its people. Thank you very much.

Representatives Quilici and Shea escorted Senator Williams from the House Chamber.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 41** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: DeBruycker, Feland, Hurdle, Jore, Kasten, Rehbein, Wagner, Wennemar.

Total 8

Excused: None.

Total 0

Absent or not voting: Forbes.

Total 1

**HB 176** passed as follows:

Ayes: Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 64

Noes: Ahner, Anderson, Barnett, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, McGee, Mills, Orr, Rehbein, Rose, Ryan, Schwinden, Sliter, S. Smith, Somerville, Stovall, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: Feland, Martinez.

Total 2

**HB 231** passed as follows:

Ayes: Anderson, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 60

Noes: Ahner, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Feland, Fisher, Grady, Green, Hayne, R. Johnson, Jore, Kasten, Keenan, Martinez, Masolo, McGee, Nelson, Ohs, Orr, Rehbein, Rose, Sliter, L. Smith, S. Smith, Soft, Somerville, Tash, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 39

Excused: None.

Total 0



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Wiseman.  
Total 1

**HB 259** passed as follows:

Ayes: Ahner, Anderson, Arnott, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, Denny, Devaney, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Zook, Mr. Speaker.  
Total 71

Noes: Barnett, Barnhart, Bergsagel, Cobb, Cocchiarella, DeBruycker, Feland, Grinde, Hayne, Heavy Runner, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McGee, Nelson, Peck, Rehbein, Ryan, Soft, Squires, Story, Wagner, Wennemar, Wyatt.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Ellingson, Wiseman.  
Total 2

**HB 270** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Carey, Cobb, Cocchiarella, Denny, Ellingson, Ellis, Ewer, Fisher, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Mr. Speaker.  
Total 57

Noes: Arnott, Barnett, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Elliott, Feland, Forbes, Galvin, Grady, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Martinez, Masolo, McGee, Murdock, Ohs, Rehbein, Rose, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wyatt, Zook.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 289** passed as follows:

Ayes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook.  
Total 72

Noes: Ahner, Barnhart, Cobb, Cocchiarella, Denny, Elliott, Fisher, Galvin, Hagener, Hurdle, Kadas, Keenan, Larson, McCann, Mills, Molnar, Nelson, Peck, Ream, Rehbein, Schwinden, Squires, Tropila, Tuss, Wennemar, Wyatt, Mr. Speaker.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 362** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Heavy Runner, Schwinden, Tuss.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 364** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Denny, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, McKee, Nelson, Ohs, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 49

Noes: Arnott, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Elliott, Fisher, Galvin, Hagener,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, McCann, McCulloch, Molnar, Murdock, Orr, Pavlovich, Peck, Quilici, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: Ellingson, Ewer, Grady, Menahan, Mills, Raney, Simon, Tash, Wiseman.

Total 9

**HB 408** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Barnhart, Bergsagel, Cobb, Cocchiarella, Hagener, Hurdle, Kottel, Larson, McCann, Ryan, Swanson, Wennemar.

Total 12

Excused: None.

Total 0

Absent or not voting: Elliott, Wiseman.

Total 2

**HB 412** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Carey, Ewer, Hurdle, Kadas, Peck, Raney, Ryan.

Total 7



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 417** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Clark.

Total 1

Excused: None.

Total 0

Absent or not voting: McGee, Wiseman.

Total 2

**HB 420** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Brainard.

Total 1

Excused: None.

Total 0

Absent or not voting: Bohlinger, Wiseman.

Total 2

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**HB 421** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Clark, Jore, Rehbein, L. Smith, Story.

Total 5

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 424** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 425** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Fuchs, McGee.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 428** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Cobb.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Mills, Wiseman.  
Total 2

**HB 432** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: Bergsagel, Jore.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Squires.  
Total 1

**HB 433** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Anderson, Hurdle, Jore, Peck, Rehbein, Story.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 448** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Elliott, McGee, Peck, Schwinden, L. Smith, Trexler, Tuss.  
Total 7

Excused: None.  
Total 0



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Rose, Wiseman.

Total 2

**HB 455** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Ohs, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Story, Stovall, Swanson, Trexler, Vick, Wells, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Arnott, Bergsagel, Boharski, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Fuchs, Galvin, Hibbard, Holland, Hurdle, Jore, Kasten, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Murdock, Nelson, Orr, Pavlovich, Peck, Ream, L. Smith, Somerville, Squires, Tash, Taylor, Tuss, Wagner, Wennemar.

Total 35

Excused: None.

Total 0

Absent or not voting: Tropila, Wiseman.

Total 2

**HB 457** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Curtiss, Denny, Devaney, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Mr. Speaker.

Total 83

Noes: Brainard, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Feland, Harrington, Heavy Runner, Kasten, Rehbein, Shea, Tuss, Wagner, Wennemar, Zook.

Total 16

Excused: None.

Total 0

Absent or not voting: Wyatt.

Total 1

**HB 462** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Elliott, H.S. Hanson, Jore, McGee, Peck, Rehbein, S. Smith.

Total 8

Excused: None.

Total 0

Absent or not voting: Stovall, Wiseman.

Total 2

**HB 463** passed as follows:

Ayes: Anderson, Barnhart, Bohlinger, Carey, Cocchiarella, Curtiss, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Wells, Wennemar, Zook.

Total 62

Noes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Denny, Elliott, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Keenan, Martinez, Masolo, Peck, Rehbein, Simpkins, L. Smith, S. Smith, Story, Taylor, Tuss, Vick, Wagner, Wyatt, Mr. Speaker.

Total 36

Excused: None.

Total 0

Absent or not voting: Tropila, Wiseman.

Total 2

**HB 472** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 89



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: Arnott, Cobb, DeBruycker, Hayne, Heavy Runner, Kasten, Marshall, McCann, Rehbein, Rose.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 474** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Jore, McGee.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HB 475** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Zook, Mr. Speaker.  
Total 92

Noes: Denny, Hagener, Hurdle, Kasten, Peck, Rehbein, Wyatt.  
Total 7

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Wiseman.

Total 1

**HB 480** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kitzenberg, McCulloch, Peck, Quilici, Raney, Ream, Shea, S. Smith, Squires, Tuss, Wennemar, Wyatt.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 488** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Arnott, Bergman, Boharski, DeBruycker, Denny, Devaney, Feland, Fuchs, Grady, Grimes, Hayne, R. Johnson, Jore, Kasten, Knox, Martinez, Rehbein, Sliter, S. Smith, Soft, Somerville, Taylor, Vick.

Total 24

Excused: None.

Total 0

Absent or not voting: Brainard, Green, Wiseman.

Total 3

**HB 494** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Ewer, Jore, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Boharski, Ellis, S. Smith.

Total 3

**HB 502** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Barnett, Bergman, Brainard, Curtiss, DeBruycker, Devaney, Feland, Green, Hayne, Jore, Kasten, Marshall, Martinez, McGee, Rehbein, S. Smith, Wagner, Wells, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: Arnott.

Total 1

**HB 547** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Cobb, Cocchiarella, Jore, Kasten, Rehbein, S. Smith, Tuss.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Wiseman.  
Total 1

**HJR 20** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bergman, Denny, Fisher, M. Hanson, Jore, Keenan, Rehbein, Taylor, Vick.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Bergsagel, Boharski, Wiseman.  
Total 3

**HB 54** - Senate amendments, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 97

Noes: R. Johnson, Wyatt.  
Total 2



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

**HB 73** - Senate amendments, concurred in as follows:

Ayes: Ahner, Anderson, Arnot, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Denny, Jore, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: Boharski, S. Smith, Squires, Vick.

Total 4

**HB 201** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Bergman, Carey, Cobb, Cocchiarella, Elliott, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Swanson, Tropila, Tuss, Vick, Wennemar, Wyatt.

Total 34

Excused: None.

Total 0

Absent or not voting: Denny, Ellingson, Squires.

Total 3

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 357** - Representative H. Hanson moved consideration of HB 357 be placed below HB 356 on the second reading board. Motion carried.

**HB 478** - Representative Anderson moved HB 478, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 10 through 21.

Strike: Section 1 in its entirety

Re-number: subsequent sections

2. Page 8, lines 20 through 22.

Strike: Section 12 in its entirety

Re-number: subsequent section

3. Page 8, line 24.

Strike: "through 3 and 10 through 12"

Insert: ", 2, 9 and 10"

4. Page 8, line 26.

Strike: "4 through 9"

Insert: "3 through 8"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Carey, Curtiss, Ellingson, Hagener, Hurdle, R. Johnson, Kadas, McGee, Peck, Story, Tropila, Wyatt.  
Total 12

Excused: None.  
Total 0



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Harrington, Tuss.  
Total 2

Representative Story moved HB 478, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Cobb, DeBruycker, Hurdle.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Tuss.  
Total 1

**HB 498** - Representative Cocchiarella moved HB 498 do pass. Motion failed as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 44

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: DeBruycker, Grimes, Herron.  
Total 3

**HB 499** - Representative Cocchiarella moved HB 499 do pass. Motion failed as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Grady,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 50

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, S. Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530** - Representative Wiseman moved HB 530 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cocchiarella, DeBruycker.

Total 2

Excused: None.

Total 0

Absent or not voting: Devaney, Grimes.

Total 2

**HB 192** - Representative Harper moved HB 192 do pass. Motion failed as follows:

Ayes: Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Galvin, Grady, Grimes, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Nelson, Ohs, Pavlovich, Raney, Ream, Ryan, Schwinden, Simon, Soft, Squires, Story, Stovall, Swanson, Trexler, Tropila, Wennemar, Wyatt, Zook.

Total 48



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: Ahner, Anderson, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, Mills, Molnar, Murdock, Orr, Peck, Quilici, Rehbein, Rose, Shea, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**HB 249** - Representative Marshall moved HB 249 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Bergman, Clark, Cocchiarella, Denny, Fisher, Herron, Kitzenberg, Rehbein, Simpkins, Story, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: Kadas.

Total 1

**HB 186** - Representative Kasten moved HB 186 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Brainard, Clark, Jore, Mills.

Total 4

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: None.

Total 0

Absent or not voting: Heavy Runner, Quilici, Tuss, Wiseman.

Total 4

**HB 445** - Representative Grady moved HB 445 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Arnott, Bergsagel, Cobb, Cocchiarella, Fisher, Jore, Kasten, Molnar, Rehbein, S. Smith, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Ewer, Grimes, Vick.

Total 3

**HB 520** - Representative Fuchs moved HB 520 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Cocchiarella, Curtiss, Denny, Nelson, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Ewer, Harrington, Jore, Ohs, Rehbein.

Total 5

Representative Simon assumed the Chair at this time.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**HB 543** - Representative Wagner moved HB 543 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Bergsagel.  
Total 1

**HB 564** - Representative Trexler moved HB 564 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Tash.  
Total 1

**HJR 23** - Representative Clark moved HJR 23, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Ahner, Barnhart, Bergman, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellingson, Ellis, Feland, Forbes, Galvin, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Jore, Kasten, Kottel, Orr, Rehbein, Shea, Simpkins, Sliter, L. Smith, Tash, Taylor, Vick, Wagner, Wells, Wiseman.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Total 33

Noes: Anderson, Arnott, Barnett, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Elliott, Ewer, Fisher, Fuchs, Grady, Hagener, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Soft, Somerville, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 60

Excused: None.

Total 0

Absent or not voting: Boharski, Green, Grimes, Grinde, Molnar, S. Smith, Mr. Speaker.

Total 7

Representative Clark moved HJR 23 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, McCulloch, McGee, McKee, Menahan, Mills, Orr, Pavlovich, Quilici, Raney, Rose, Ryan, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Stovall, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 69

Noes: Arnott, Bergman, Bergsagel, Bohlinger, Elliott, Ewer, Grady, Green, Knox, Marshall, Masolo, McCann, Molnar, Murdock, Ohs, Peck, Ream, Rehbein, Schwinden, L. Smith, Story, Swanson, Trexler, Vick, Zook.

Total 25

Excused: None.

Total 0

Absent or not voting: Boharski, Denny, Grinde, Martinez, Nelson, S. Smith.

Total 6

**HB 396** - Representative Hayne moved HB 396 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: Cocchiarella.

Total 1

Excused: None.

Total 0

Absent or not voting: Forbes, Grinde, Heavy Runner, Jore.

Total 4

**HB 197** - Representative Ewer moved HB 197 do pass.

Representative Ewer moved HB 197, second reading copy, be amended as follows (amendment #1):

1. Page 2, lines 27 and 28.

Strike: Lines 27 and 28 in their entirety

Insert: " (4) An investment authorized in this part may not have a maturity date exceeding 5 years, except when the investment is used in an escrow account to refund an outstanding bond issue in advance."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 86

Noes: Fuchs.

Total 1

Excused: None.

Total 0

Absent or not voting: Bergman, Cobb, Devaney, Grinde, Jore, Martinez, Molnar, Orr, Stovall, Taylor, Wagner, Wells, Zook.

Total 13

Representative Ewer moved HB 197, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Clark, DeBruycker, Denny, Jore, Kasten, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Feland, Fuchs, Grinde, Molnar.

Total 4

**HB 269** - Representative Ellingson moved consideration of HB 269 be passed for the day. Motion carried.

**HB 327** - Representative Simpkins moved HB 327, second reading copy, be amended as follows (amendment #1):

1. Page 8, line 7.

Strike: "presidential"

Insert: "federal general"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cocchiarella, Harrington, Kadas, Kottel, Tuss.

Total 5

Excused: None.

Total 0

Absent or not voting: Grinde, Molnar.

Total 2

Representative Heavy Runner moved HB 327, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Boharski, Brainard, Curtiss, Denny, M. Hanson, Hayne, Jore, Masolo, Molnar, Rehbein, Sliter, S. Smith, Taylor, Vick, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: Ahner, Grinde, Kasten.

Total 3

Representative Grinde resumed the Chair at this time.

**HB 343** - Representative Holland moved HB 343 do pass.

Representative Elliott moved consideration of HB 343 be placed below HB 509 on the second reading board. Motion failed as follows: (33-66)

The motion of Representative Holland carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Heavy Runner, Herron, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Carey, Ellingson, Elliott, Ewer, Harper, Hurdle, Kadas, McCann, Peck, Raney, Schwinden, Tuss, Wennemar.

Total 13

Excused: None.

Total 0

Absent or not voting: Feland, M. Hanson, Hibbard, Simon.

Total 4

**HB 376** - Representative Simpkins moved HB 376 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Squires excused at this time.

**HB 407** - Representative Cobb moved HB 407 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Forbes, Galvin, Grimes, Harper, Harrington, Hurdle, J. Johnson, Kadas, Martinez, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, L. Smith, Tropila, Tuss, Wennemar, Wyatt.

Total 32

Excused: Squires.

Total 1

Absent or not voting: None.

Total 0

Representative Squires present at this time.

**HB 468** - Representative Grimes moved HB 468, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Strike: "SEVERELY"

Insert: "SERIOUSLY"

2. Title, line 10.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Following: "SITE;"

Insert: "REQUIRING THE COUNCIL TO HOLD HEARINGS AND MAKE RECOMMENDATIONS TO THE DEPARTMENT; REQUIRING THE DEPARTMENT TO INCLUDE CERTAIN MATTERS IN A MENTAL HEALTH PLAN; AMENDING SECTION 53-21-202, MCA;"

3. Page 1, line 29.

Following: "Department"

Insert: "; and

WHEREAS, the Department should complete the comprehensive plan required by law for the development of public mental health services and include consideration of certain public and private mental health resources and should consider recommendations from the Advisory Council in completing its plan"

4. Page 2, lines 3 and 6.

Strike: "7"

Insert: "8"

5. Page 2, line 13.

Strike: "a"

Insert: "one or more"

Strike: "facility"

Insert: "facilities"

Strike: "severely"

Insert: "seriously"

6. Page 2, line 19.

Following: "shall"

Insert: ", after completion of the plan required by 53-21-202 and after receiving the recommendations of the advisory council pursuant to [section 5],"

7. Page 2, line 23.

Strike: "October"

Insert: "July"

Strike: "1995"

Insert: "1996"

8. Page 4, lines 21, 23, 27, and 28.

Strike: "7"

Insert: "8"

9. Page 4, line 30.

Strike: "7(3)"

Insert: "8(3)"

10. Page 4.

Following: line 30

Insert: "NEW SECTION. Section 5. Council to hold hearings and make recommendations for plan. (1) The advisory council shall evaluate existing and potential public and private facilities and programs for the treatment of persons who are mentally ill.

(2) The advisory council shall hold at least one public hearing in each of the mental health regions,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

established pursuant to 53-21-204, for the purpose of gathering public testimony and other information concerning the views of the public as to the needs of Montanans who are mentally ill, the capacities of public and private institutions and programs for the treatment of those persons, access to treatment services by those persons, and other matters related to the treatment of persons who are mentally ill.

(3) Based upon its evaluation and hearings conducted pursuant to subsection (2), the council shall make recommendations to the department for subjects or information to be included in the plan required by 53-21-202."

Renumber: subsequent sections

11. Page 5, line 23.

Strike: "7(2)"

Insert: "8(2)"

12. Page 5, line 29.

Strike: "6"

Insert: "7"

13. Page 5, line 30.

Strike: "5"

Insert: "6"

14. Page 6, line 11.

Following: "."

Insert: "If the council recommends more than one site for more than one facility, the other facility must be located at the site receiving the next highest numeric score using the procedure provided in this section."

15. Page 6, line 18.

Strike: "January"

Insert: "November"

16. Page 6.

Following: line 18

Insert: "Section 9. Section 53-21-202, MCA, is amended to read:

"53-21-202. Duties of department. The department shall:

(1) take cognizance of matters affecting the mental health of the citizens of the state;

(2) initiate mental health care and treatment, prevention, and research as can best be accomplished by community-centered services. The means must be utilized to initiate and operate these services in cooperation with local agencies as established under this part.

(3) collect and disseminate information relating to mental health;

(4) prepare and maintain a comprehensive plan for the development of public mental health services in the state that must include a consideration of:

(a) the treatment needs of persons who are seriously mentally ill;

(b) public and private community treatment programs and the capacities of those programs;

(c) the needs of patients at state facilities;

(d) the goals for care and treatment of mentally ill persons that can best be accomplished in community treatment programs; and

(e) the recommendations of the council provided for in [section 5];

(5) receive from agencies of the United States and other state agencies, persons or groups of persons,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services within the state;

(6) establish standards for mental health programs that receive funds from the department;

(7) evaluate performance of programs that receive funds from the department in compliance with federal and state standards;

(8) coordinate state and community resources to ensure comprehensive delivery of services to children with emotional disturbances and submit at least a biennial report to the governor and the legislature concerning the activities and recommendations of the department and service providers; and

(9) appoint an advisory council to make recommendations to the department regarding services for emotionally disturbed children. The members of the advisory council shall serve without compensation and must include but not be limited to a representative of:

(a) the department;

(b) the department of family services;

(c) the office of public instruction;

(d) a youth court;

(e) parents of emotionally disturbed children; and

(f) service provider groups."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, Harrington, Kottel, Wennemar, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Simon moved HB 468, as amended, do pass. Motion failed as follows:

Ayes: Bohlinger, Brainard, Carey, Clark, Cobb, Ellingson, Ellis, Ewer, Forbes, Green, Grimes, Hurdle, R. Johnson, Kasten, Mills, Molnar, Nelson, Simon, Simpkins, Sliter, Soft, Stovall, Wells.

Total 23

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Feland, Fisher, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Jore, Kadas, Keenan,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, L. Smith, S. Smith, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Excused: None.

Total 0

Absent or not voting: Kottel.

Total 1

Representatives M. Hanson and Squires excused at this time.

**HB 504** - Representative Grimes moved HB 504, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 22.

Insert: "(3) The rules authorized under this section must be adopted by July 1, 1995."

3. Page 4, line 8.

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Cocchiarella, Holland.

Total 2

Excused: M. Hanson, Squires.

Total 2

Absent or not voting: Kottel, Nelson.

Total 2



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Representative Herron moved HB 504, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Galvin, Shea, Tropila, Tuss, Wyatt.

Total 5

Voted Absentee: M. Hanson, Aye.

Excused: Squires.

Total 1

Absent or not voting: None.

Total 0

Representative Squires present at this time.

Representative Sliter assumed the Chair at this time.

**HB 509** - Representative Anderson moved HB 509 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Brainard, Clark, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Harper, Hurdle, J. Johnson, Kadas, Kasten, Larson, Martinez, McCulloch, Pavlovich, Ream, Schwinden, Squires, Tropila, Wennemar, Wyatt.

Total 24

Voted Absentee: M. Hanson, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Feland, Grinde, Jore, Simon.  
Total 4

**HB 518** - Representative Tuss moved HB 518 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: M. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Elliott, Grinde.  
Total 2

**HB 549** - Representative Shea moved HB 549 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Arnott, Barnhart, Boharski, Curtiss, Denny, Grimes, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Martinez, McGee, Simpkins, S. Smith, Soft, Taylor, Vick, Wells.  
Total 20

Voted Absentee: M. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Grinde, Ohs, Orr, Tuss.  
Total 5



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**HB 527** - Representative Larson moved HB 527 do pass. Motion carried as follows:

Ayes: Bergman, Bohlinger, Brainard, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCulloch, McKee, Menahan, Mills, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, Schwinden, Shea, Sliter, L. Smith, Somerville, Squires, Story, Swanson, Taylor, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.  
Total 54

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Cobb, Curtiss, Elliott, Ewer, Fisher, Grimes, Harper, Hayne, Heavy Runner, Herron, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McCann, McGee, Molnar, Nelson, Orr, Ream, Rose, Simon, Simpkins, S. Smith, Soft, Stovall, Tash, Trexler, Vick, Wagner, Wiseman, Mr. Speaker.  
Total 44

Voted Absentee: M. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Clark, Green.  
Total 2

**HB 559** - Representative Pavlovich moved HB 559, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 16.  
Strike: "CORPORATION"  
Insert: "organization"

Amendment #1 passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: R. Johnson, McCann, Vick.  
Total 3

Excused: M. Hanson.  
Total 1

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Anderson, Boharski, Clark, Feland, Grinde, Masolo, S. Smith.  
Total 7

Representative Menahan moved HB 559, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Arnott, Barnhart, Bergsagel, Boharski, Cobb, Curtiss, Ewer, R. Johnson, Jore, Keenan, Orr, Rehbein, Soft, Wagner.  
Total 14

Voted Absentee: M. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 556** - Representative Simon moved HB 556 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski, DeBruycker, Denny, Orr, L. Smith, Vick, Wagner.  
Total 7

Voted Absentee: M. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Bergman, Jore.  
Total 2



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Representative Rose excused at this time.

**HB 557** - Representative Ellingson moved HB 557 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Boharski, Brainard, Cobb, DeBruycker, Feland, Fisher, H.S. Hanson, Hayne, Jore, Kasten, Orr, Rehbein, Story, Tash, Vick, Wagner.

Total 16

Voted Absentee: M. Hanson, Aye.

Excused: None.

Total 0

Absent or not voting: Forbes.

Total 1

**HB 410** - Representative Pavlovich moved HB 410, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Strike: "AND" through "PROVISION"

2. Page 2, lines 25 and 26.

Strike: Lines 25 and 26 in their entirety

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Grady, Green, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Cocchiarella, Galvin, Hagener, R. Johnson, Kasten, Martinez.

Total 6

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: M. Hanson, Rose.  
Total 2

Absent or not voting: Boharski, Denny, Forbes, Grinde, Ohs, L. Smith, S. Smith, Vick.  
Total 8

Representative Pavlovich moved HB 410, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, H.S. Hanson, M. Hanson, Hibbard, Jore, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Barnhart, Carey, Clark, Cocchiarella, Ellingson, Ewer, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kottel, Marshall, McCann, McCulloch, Murdock, Peck, Raney, Ream, Ryan, Schwinden, Shea, Soft, Squires, Story, Swanson, Trexler, Tuss, Wennemar, Wyatt.  
Total 36

Voted Absentee: M. Hanson, Rose, Ayes.

Excused: None.  
Total 0

Absent or not voting: Grimes, Grinde, Hagener.  
Total 3

Representative Simon assumed the Chair at this time.

**HB 411** - Representative Orr moved HB 411 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Molnar, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 35

Voted Absentee: M. Hanson, Rose, Ayes.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

**HB 473** - Representative Knox moved consideration of HB 473 be passed for the day. Motion carried.

**HJR 22** - Representative Tash moved HJR 22 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Galvin, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Squires, Swanson, Tropila, Tuss, Vick, Wyatt.

Total 17

Voted Absentee: M. Hanson, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

Representative Marshall excused at this time.

**HB 338** - Representative Grimes moved HB 338 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Arnott, Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Hagener, Harper, Heavy Runner, Hurdle, Kadas, Keenan, Larson, McCann, McCulloch, Raney, Ream, Ryan, Schwinden, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 28

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Voted Absentee: M. Hanson, Marshall, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: J. Johnson.

Total 1

**HB 443** - Representative Mercer moved HB 443, second reading copy, be amended as follows (amendment #1):

1. Title, lines 5 and 6.

Strike: line 5 through ";," on line 6

2. Page 1, line 23.

Following: "liability"

Insert: "and the extent and cause of damages"

3. Page 2, line 10.

Following: "liability"

Insert: "and the extent and cause of damages"

4. Page 2, line 15.

Following: "pay"

Insert: "reasonable and necessary"

5. Page 2, line 16.

Following: "liability"

Insert: "and the extent and cause of damages"

6. Page 3, line 4.

Strike: "(A)"

7. Page 3, lines 8 and 9.

Strike: subsection "(B)" in its entirety

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: DeBruycker, Kasten.  
Total 2

Voted Absentee: Marshall, Aye.

Excused: M. Hanson, Rose.  
Total 2

Absent or not voting: Grinde.  
Total 1

Representative Harrington excused at this time.

Representative Mercer moved HB 443, as amended, do pass. Motion carried as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 93

Noes: Ahner, Anderson, Boharski, Grimes, Masolo, L. Smith, Wyatt.  
Total 7

Voted Absentee: M. Hanson, Harrington, Marshall, Rose, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 431** - Representative Shea moved HB 431 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: DeBruycker, Jore, S. Smith.  
Total 3

Voted Absentee: M. Hanson, Harrington, Marshall, Rose, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bergsagel, Molnar.  
Total 2

**HB 221** - Representative Bohlinger moved HB 221 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Herron, Hibbard, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Nelson, Ohs, Raney, Rehbein, Rose, Simon, Simpkins, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Mr. Speaker.  
Total 50

Noes: Arnott, Bergman, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Grady, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCulloch, Menahan, Murdock, Orr, Pavlovich, Peck, Quilici, Ryan, Schwinden, Shea, L. Smith, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt, Zook.  
Total 46

Voted Absentee: M. Hanson, Marshall, Rose, Ayes; Harrington, No.

Excused: None.  
Total 0

Absent or not voting: Grinde, Ream, Sliter, Wagner.  
Total 4

**HB 233** - Representative Knox moved HB 233 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Voted Absentee: M. Hanson, Harrington, Marshall, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

Representative Grinde resumed the Chair at this time.

**HB 369** - Representative Wells moved HB 369 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Keenan, Knox, Marshall, Martinez, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Anderson, Arnott, Barnhart, Bergsagel, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Masolo, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Somerville, Squires, Swanson, Taylor, Tropila, Tuss, Wennemar, Wyatt.

Total 48

Voted Absentee: M. Hanson, Marshall, Rose, Ayes; Harrington, No.

Excused: None.

Total 0

Absent or not voting: L. Smith, Story.

Total 2

Representative Story excused at this time.

**HB 454** - Representative Harper moved HB 454 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Voted Absentee: M. Hanson, Harrington, Marshall, Rose, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: Hayne, R. Johnson.

Total 2

**HJR 25** - Representative Quilici moved HJR 25 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Jore, Molnar.

Total 2

Voted Absentee: M. Hanson, Harrington, Rose, Story, Ayes.

Excused: Marshall.

Total 1

Absent or not voting: Boharski, Denny, Ryan, S. Smith, Vick.

Total 5

**HB 92** - Representative Heavy Runner moved HB 92 do pass. Motion carried as follows:

Ayes: Ahner, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Stovall, Swanson, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt.

Total 54

Noes: Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Brainard, Clark, DeBruycker, Feland, Fisher, Forbes, Fuchs, Grady, Green, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Sliter, S. Smith, Soft, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Zook, Mr. Speaker.

Total 45

Voted Absentee: Harrington, Rose, Ayes; M. Hanson, Marshall, Story, Noes.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: None.  
Total 0

Absent or not voting: Masolo.  
Total 1

**HB 491** - Representative Brainard moved HB 491 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Anderson, Arnott, Barnhart, Bergsagel, Cocchiarella, Ellingson, Fisher, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Swanson, Tropila, Tuss, Wyatt.  
Total 30

Voted Absentee: M. Hanson, Marshall, Rose, Story, Ayes; Harrington, No.

Excused: None.  
Total 0

Absent or not voting: Simon.  
Total 1

**HB 160** - Representative Green moved HB 160, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Ahner, Barnett, Bergman, Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Grady, Green, H.S. Hanson, Hayne, Herron, Jore, Kadas, Kasten, Keenan, Marshall, McGee, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, Trexler, Vick, Wagner, Wells, Wiseman.  
Total 31

Noes: Anderson, Arnott, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 63

Voted Absentee: Marshall, Aye.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: M. Hanson, Harrington, Rose, Story.

Total 4

Absent or not voting: L. Smith, S. Smith.

Total 2

Representative Curtiss moved HB 160 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 39

Voted Absentee: M. Hanson, Rose, Story, Ayes; Harrington, Marshall, Noes.

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

**HB 356** - Representative Boharski moved HB 356 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cocchiarella, DeBruycker.

Total 2

Voted Absentee: M. Hanson, Harrington, Marshall, Rose, Story, Ayes.

Excused: None.

Total 0



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Hayne, Tuss.

Total 2

Representative Sliter assumed the Chair at this time.

**HB 357** - Representative Boharski moved HB 357 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cocchiarella, DeBruycker, Rehbein.

Total 3

Voted Absentee: M. Hanson, Marshall, Rose, Story, Ayes.

Excused: Harrington.

Total 1

Absent or not voting: Grinde, Martinez, Sliter, Wiseman.

Total 4

**HB 442** - Representative S. Smith moved HB 442 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 33

Voted Absentee: M. Hanson, Marshall, Story, Ayes; Harrington, Rose, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Galvin, Grady, Grinde.

Total 3

**HB 482** - Representative Cobb moved HB 482, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 21.

Following: "names"

Insert: "and other identifying information"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Cocchiarella, Ewer.

Total 2

Excused: M. Hanson, Harrington, Marshall, Rose, Story.

Total 5

Absent or not voting: Galvin, Grady, Grinde, Molnar.

Total 4

Representative Hurdle moved HB 482, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Fisher, Hagener, Harper, Hurdle, J. Johnson, Kadas, Kottel, McCulloch, Menahan, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 24

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, H.S. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Excused: M. Hanson, Harrington, Marshall, Rose, Story.

Total 5

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Absent or not voting: Elliott, Galvin, Grady, Grinde, Heavy Runner.

Total 5

Representative Molnar moved HB 482, second reading copy, be further amended as follows (amendment #3):

1. Page 6, lines 7 through 9.

Strike: Section 12 in its entirety

Renumber: subsequent sections

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Green, Grinde, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Boharski, Brainard, Cocchiarella, Fisher, Forbes, Grimes, Herron, Jore, Kasten, Larson, Orr, S. Smith, Tuss.

Total 13

Excused: M. Hanson, Harrington, Marshall, Rose, Story.

Total 5

Absent or not voting: Galvin, Grady, Rehbein, Shea.

Total 4

Representative Grimes moved HB 482, second reading copy, be further amended as follows (amendment #4):

1. Page 2, following line 16.

Insert: "(6) "Minor" means a male or female under 18 years of age who is not an emancipated minor."

Renumber: subsequent subsections

Amendment #4 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Cocchiarella, Fisher, Hagener, Larson, Shea, Tuss, Wennemar, Wyatt.

Total 8



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Excused: M. Hanson, Harrington, Marshall, Rose, Story.  
Total 5

Absent or not voting: Galvin, Grady, Squires.  
Total 3

Representative Brainard and Cobb excused at this time.

Representative Grimes moved HB 482, second reading copy, be further amended as follows (amendment #5):

1. Amend the Grimes' House Bill 482 Committee of the Whole Amendment 1, February 18, as follows:  
Strike: "male or" in new subsection (6)

Amendment #5 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Barnhart, Cocchiarella, Ewer, Galvin, Hagener, Harper, Kottel, Larson, McCulloch, Raney, Shea, Tuss, Wyatt.  
Total 13

Voted Absentee: Brainard, M. Hanson, Ayes.

Excused: Harrington, Marshall, Rose, Story.  
Total 4

Absent or not voting: Cobb, Ellingson, Grady, Squires.  
Total 4

Representative Pavlovich called for closure of discussion.

Representative Grimes moved HB 482, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McKee,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Menahan, Pavlovich, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tuss, Wennemar, Wyatt.  
Total 36

Voted Absentee: Brainard, M. Hanson, Marshall, Rose, Story, Ayes; Cobb, Harrington, Noes.

Excused: None.

Total 0

Absent or not voting: Galvin, Grady, Tropila.

Total 3

Representative Greene excused at this time.

**HB 551** - On behalf of the Judiciary Committee, Representative Boharski moved HB 551 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larsor, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Cocchiarella, Ellingson, Tuss, Wyatt.

Total 4

Voted Absentee: Brainard, Green, M. Hanson, Harrington, Rose, Story, Ayes.

Excused: Cobb, Marshall.

Total 2

Absent or not voting: Anderson, Arnott, Fuchs, Grady, Hayne.

Total 5

**HB 256** - Representative Anderson moved HB 256, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Anderson, Bergsagel, Cocchiarella, DeBruycker, Devaney, Ellis, Fuchs, Harper, Hayne, Kadas, Kasten, Molnar, Raney, Rehbein, Swanson, Tash, Tuss, Vick, Wagner.

Total 19

Noes: Ahner, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Carey, Clark, Curtiss, Denny, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grinde, Hagener, H.S. Hanson, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Ryan,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Taylor, Trexler, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 69

Excused: Brainard, Cobb, M. Hanson, Harrington, Marshall, Rose, Story.  
Total 7

Absent or not voting: Grady, Green, Grimes, Jore, Keenan.  
Total 5

Representative Grinde resumed the Chair at this time.

Representative Somerville moved HB 256 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Barnhart, Harrington, Kasten, Larson, Pavlovich, Rehbein, Squires, Wyatt.  
Total 8

Voted Absentee: Brainard, Green, M. Hanson, Marshall, Rose, Story, Ayes; Harrington, No.

Excused: Cobb.  
Total 1

Absent or not voting: Hagener, Shea, Tuss.  
Total 3

**HB 501** - Representative Anderson moved HB 501 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 70

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCulloch, Menahan, Peck, Raney, Ream, Ryan, Schwinden, Squires,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 28

Voted Absentee: Brainard, Cobb, Green, M. Hanson, Harrington, Marshall, Rose, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: Grimes, Shea.  
Total 2

Representatives Ream and Shea excused at this time.

**HB 485** - Representative Bergsagel moved HB 485 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Cobb, Curtiss, Denny, Devaney, Ellis, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Herron, Holland, R. Johnson, Kitzenberg, Knox, Kottel, Martinez, Masolo, McCulloch, McGee, Molnar, Murdock, Nelson, Orr, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, L. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 54

Noes: Barnhart, Boharski, Carey, Clark, DeBruycker, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Hagener, Harper, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Larson, Marshall, McCann, McKee, Menahan, Mills, Ohs, Pavlovich, Raney, Ryan, Schwinden, Shea, Sliter, S. Smith, Squires, Swanson, Tropila, Tuss, Vick, Wennemar, Wyatt.  
Total 43

Voted Absentee: Brainard, Cobb, Green, M. Hanson, Harrington, Rose, Story, Ayes; Marshall, Shea, Noes.

Excused: Ream.  
Total 1

Absent or not voting: Cocchiarella, Forbes.  
Total 2

**HB 461** - Representative Ryan moved HB 461 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: DeBruycker, Feland, Jore, Kasten, Orr, Rehbein.

Total 6

Voted Absentee: Brainard, Green, M. Hanson, Harrington, Marshall, Ream, Rose, Shea, Story, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 464** - Representative Harper moved HB 464, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 27.

Strike: "."

Insert: "; and"

2. Page 1, line 28.

Insert: "WHEREAS, many landowners with fish ponds and hatcheries need reassurance that their fish are disease-free."

3. Page 2, line 27.

Following: "(5)"

Insert: "A person who owns or controls an artificial lake or pond may request an inspection by the department to ascertain the presence of disease in fish or the illegal introduction of fish species."

4. Page 2, line 29.

Following: "landowner"

Insert: "or landowner's agent"

Following: "mail"

Insert: "or in person"

5. Page 2, line 30.

Following: "landowner"

Insert: "or agent"

6. Page 3, line 1.

Following: "landowner"

Insert: "and receive permission to enter upon the land"

Strike: "The"

Insert: "Thereafter, the"

7. Page 3, line 7.

Following: "department"

Insert: "shall consult with the landowner or the landowner's agent to determine the appropriate action unless an emergency exists. In an emergency situation, the department"

8. Page 3, line 12.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Following: " \_ "

Insert: "A landowner or agent who has granted permission for the department to enter is not considered responsible for an illegal introduction of fish or disease unless proven otherwise."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Peck, Quilici, Raney, Rehbein, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 83

Noes: DeBruycker, Kitzenberg, Murdock, Orr.

Total 4

Excused: Brainard, Cobb, Green, M. Hanson, Harrington, Marshall, Ream, Rose, Shea, Story.

Total 10

Absent or not voting: Pavlovich, Trexler, Zook.

Total 3

Representative Harper moved HB 464, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt.

Total 63

Noes: Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fuchs, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Kasten, Keenan, Kitzenberg, Martinez, Mills, Murdock, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Tash, Taylor, Vick, Wagner, Zook, Mr. Speaker.

Total 35

Voted Absentee: Green, Harrington, Marshall, Ream, Rose, Shea, Story, Ayes; Brainard, M. Hanson, Noes.

Excused: Cobb.

Total 1

Absent or not voting: Jore.

Total 1

Representative Cobb present at this time.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

**HJR 24** - Representative Harper moved HJR 24 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Bergsagel, Brainard, Cobb, Curtiss, DeBruycker, Ellis, Feland, Fuchs, Grinde, M. Hanson, Hayne, Jore, Marshall, Murdock, Orr, Rehbein, Sliter, Story, Tash, Vick, Wagner.

Total 21

Voted Absentee: Green, Harrington, Ream, Rose, Shea, Ayes; Brainard, M. Hanson, Marshall, Story, Noes.

Excused: None.

Total 0

Absent or not voting: Boharski, Forbes, Simon, S. Smith, Wiseman.

Total 5

**HB 308** - Representative Ewer moved consideration of HB 308 be passed for the day. Motion carried.

**HB 476** - Representative Bergsagel moved HB 476, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 22

FOLLOWING: "available to the public and"

INSERT: "may"

2. Page 1, line 22

FOLLOWING: "include"

STRIKE: "at a minimum"

3. Page 2, line 1

FOLLOWING: "follow the"

STRIKE "minimum"

Amendment #1 passed as follows:

Ayes: Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Elliott, Ewer, Fisher, Galvin, Grimes, Grinde, Hagener, Herron, Holland, R. Johnson, Kadas, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ryan, Schwinden, Sliter, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wyatt, Zook.

Total 45

Noes: Ahner, Anderson, Barnett, Boharski, Clark, Curtiss, DeBruycker, Denny, Ellis, Feland, Forbes, Fuchs,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Grady, H.S. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Martinez, McGee, Mills, Murdock, Nelson, Rehbein, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Trexler, Wagner, Wells, Wennemar, Mr. Speaker.

Total 42

Excused: Brainard, Green, M. Hanson, Harrington, Marshall, Ream, Rose, Shea, Story.

Total 9

Absent or not voting: Arnott, Ellingson, Menahan, Wiseman.

Total 4

Representative Stovall moved HB 476, as amended, do pass. Motion failed as follows:

Ayes: Anderson, Barnett, Bergsagel, Brainard, Cobb, DeBruycker, Elliott, Galvin, Green, Grimes, Grinde, Hagener, M. Hanson, Hayne, Hurdle, J. Johnson, Kadas, Knox, Larson, Marshall, Masolo, Murdock, Ohs, Peck, Raney, Rehbein, Rose, Story, Stovall, Taylor, Tropila, Tuss, Vick, Wiseman, Wyatt.

Total 35

Noes: Ahner, Arnott, Barnhart, Bergman, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Orr, Pavlovich, Quilici, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Swanson, Tash, Trexler, Wagner, Wells, Wennemar, Mr. Speaker.

Total 64

Voted Absentee: Brainard, Green, M. Hanson, Marshall, Rose, Story, Ayes; Harrington, Ream, Shea, Noes.

Excused: None.

Total 0

Absent or not voting: Zook.

Total 1

Representative Sliter assumed the Chair at this time.

**HB 489** - Representative Grady moved HB 489 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

Noes: Carey, Cobb, Cocchiarella, Elliott, Hagener, Kadas, Schwinden, L. Smith.  
Total 8

Voted Absentee: Brainard, Green, M. Hanson, Harrington, Marshall, Rose, Shea, Story, Ayes.

Excused: Ream.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde reassumed the Chair at this time.

Representative Galvin excused at this time.

**HB 358** - Representative Trexler moved HB 358 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Swanson, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Arnott, Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Ellingson, Ewer, Fisher, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Quilici, Raney, Schwinden, Simon, Squires, Stovall, Tash, Tropila, Wyatt.  
Total 33

Voted Absentee: Brainard, Green, M. Hanson, Marshall, Rose, Shea, Story, Ayes; Galvin, Harrington, Noes.

Excused: Ream.  
Total 1

Absent or not voting: None.  
Total 0

Representative H. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (67-19)

**MOTIONS**

**HB 341** - Representative Larson moved HB 341 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading the next legislative day. Motion failed. (32-52)

**HB 474** - Representative Tropila moved he be allowed to change his vote on HB 474, third reading, from not voting



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

to aye. Motion carried.

**HB 411** - Representative Ellingson moved he be allowed to change his vote on HB 411, second reading, from aye to nay. Motion carried.

**HB 410** - Representative Hurdle moved she be allowed to change her vote on HB 410, second reading, from aye to nay. Motion carried.

**HB 468** - Representative Hurdle moved she be allowed to change her vote on HB 468, Amendment #1, second reading, from aye to nay. Motion carried.

**HB 430** - Representative Bohlinger moved HB 430 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading the next legislative day. Motion failed. (28-61)

**HB 498** - Representative Bohlinger moved he be allowed to change his vote on HB 498, second reading, from nay to aye. Motion carried.

**HB 499** - Representative Bohlinger moved he be allowed to change his vote on HB 499, second reading, from nay to aye. Motion carried.

**HB 411** - Representative L. Smith moved she be allowed to change her vote on HB 411, second reading, from not voting to aye. Motion carried.

**HB 480** - Representative Boharski moved he be allowed to change his vote on HB 480, second reading, from nay to aye. Motion carried.

**SB 288** - Representative Anderson moved SB 288 be taken from the Committee on Highways & Transportation and rereferred to the Committee on Local Government. Motion failed.

**HB 509** - Representative Grady moved HB 509 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 485** - Representative Grady moved HB 485 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HJR 26** - Representative Curtiss moved HJR 26 be taken from the table in the Committee on State/Federal Relations, printed, and placed on second reading the next legislative day. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/18/95

Correctly printed for second reading: HB 466.

Correctly enrolled: HB 54, HB 73, HJR 15.

Examined by the sponsor and found to be correct: HB 54, HB 73, HJR 15.

Signed by the Speaker at 1:30 p.m., 2/18/95: HB 54, HB 73, HJR 15.

**MESSAGES FROM THE SENATE**

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 18, 1995

House bill concurred in and returned to the House:

2/18/95

**HJR 15**, introduced by Wiseman

Senate bills passed and transmitted to the House for concurrence:

2/18/95

**SB 41**, introduced by Weldon

**SB 225**, introduced by Toews

**SB 233**, introduced by Harp

**SB 236**, introduced by Waterman

**SB 239**, introduced by Van Valkenburg

**SB 263**, introduced by Mohl

**SB 322**, introduced by Jacobson

**SB 327**, introduced by Klampe

**SB 329**, introduced by Waterman

**SB 333**, introduced by Bishop

**SB 335**, introduced by Miller

**SB 337**, introduced by Sprague

**SB 377**, introduced by Weldon

**SJR 16**, introduced by Lynch

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Monday, February 20, 1995. Motion carried.

House adjourned at 9:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 20, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Betty Lou Kasten. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:10 a.m.

House reconvened at 9:05 a.m. Mr. Speaker in the Chair.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/2095

Correctly printed for second reading: HJR 26.

Correctly engrossed for third reading: HB 501, HB 485, HB 461, HB 464, HB 489, HB 358, HB 357, HB 478, HB 530, HB 249, HB 186, HB 445, HB 520, HB 543, HB 564, HB 396, HB 197, HB 327, HB 343, HB 376, HB 407, HB 504, HB 509, HB 518, HB 549, HB 527, HB 559, HB 556, HB 557, HB 410, HB 411, HB 338, HB 443, HB 431, HB 221, HB 233, HB 369, HB 454, HB 92, HB 491, HB 160, HB 356, HB 442, HB 482, HB 551, HB 256, HJR 22, HJR 23, HJR 25, HJR 24.

Delivered to the Governor for his approval at 8:20 a.m., February 20, 1995: HB 54, HB 73.

**MOTIONS**

**HB 398** - Representative Boharski moved the 2/15/95 adverse committee report on HB 398 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brainard, Denny, Harrington, Hurdle, Pavlovich, Raney, Ream, Swanson, Wennemar.

Total 9

Excused: None.

Total 0

Absent or not voting: Bergman, Tuss.

Total 2



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/20/95

SB 206, introduced by Burnett  
SB 212, introduced by Bishop  
SB 237, introduced by Bishop  
SB 364, introduced by Sprague

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

HB 570, introduced by Wiseman, referred to Committee on Taxation.  
HB 571, introduced by Harper.  
HB 572, introduced by Harrington, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 41, introduced by Weldon, referred to Committee on Local Government.  
SB 132, introduced by Bishop, referred to Committee on Judiciary.  
SB 144, introduced by Brooke, referred to Committee on Agriculture, Livestock & Irrigation.  
SB 158, introduced by Waterman, referred to Committee on Human Services & Aging.  
SB 189, introduced by Weldon, referred to Committee on Judiciary.  
SB 193, introduced by Doherty, referred to Committee on State Administration.  
SB 205, introduced by Forrester, referred to Committee on Highways & Transportation.  
SB 206, introduced by Burnett, referred to Committee on Judiciary.  
SB 211, introduced by Keating, referred to Committee on Judiciary.  
SB 212, introduced by Bishop, referred to Committee on Judiciary.  
SB 223, introduced by Keating, referred to Committee on Human Services & Aging.  
SB 225, introduced by Toews, referred to Committee on Natural Resources.  
SB 227, introduced by Weldon, referred to Committee on Local Government.  
SB 232, introduced by Toews, referred to Committee on Education & Cultural Resources.  
SB 233, introduced by Harp, referred to Committee on Business & Labor.  
SB 236, introduced by Waterman, referred to Committee on Human Services & Aging.  
SB 237, introduced by Bishop, referred to Committee on Judiciary.  
SB 239, introduced by Van Valkenburg, referred to Committee on Business & Labor.  
SB 240, introduced by Van Valkenburg, referred to Committee on Human Services & Aging.  
SB 245, introduced by Jenkins, referred to Committee on Highways & Transportation.  
SB 246, introduced by Weldon, referred to Committee on Business & Labor.  
SB 249, introduced by Bishop, referred to Committee on State Administration.  
SB 251, introduced by Swysgood, referred to Committee on Highways & Transportation.  
SB 253, introduced by Holden, referred to Committee on Business & Labor.  
SB 254, introduced by Forrester, referred to Committee on Local Government.  
SB 258, introduced by Bartlett, referred to Committee on Business & Labor.  
SB 263, introduced by Mohl, referred to Committee on Local Government.  
SB 264, introduced by Gage, referred to Committee on Business & Labor.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

SB 266, introduced by Crippen, referred to Committee on Appropriations.  
SB 271, introduced by Burnett, referred to Committee on Human Services & Aging.  
SB 277, introduced by L. Nelson, referred to Committee on Business & Labor.  
SB 281, introduced by Crismore, referred to Committee on Highways & Transportation.  
SB 283, introduced by Jabs, referred to Committee on Highways & Transportation.  
SB 285, introduced by Pipinich, referred to Committee on Fish & Game.  
SB 287, introduced by Hertel, referred to Committee on Business & Labor.  
SB 288, introduced by Keating, referred to Committee on Natural Resources.  
SB 292, introduced by Brown, referred to Committee on Judiciary.  
SB 294, introduced by Mohl, referred to Committee on Highways & Transportation.  
SB 295, introduced by Jacobson, referred to Committee on Highways & Transportation.  
SB 298, introduced by Van Valkenburg, referred to Committee on Business & Labor.  
SB 301, introduced by Cole, referred to Committee on State Administration.  
SB 303, introduced by Pipinich, referred to Committee on Fish & Game.  
SB 304, introduced by Pipinich, referred to Committee on Fish & Game.  
SB 309, introduced by Forrester, referred to Committee on Local Government.  
SB 310, introduced by Jacobson, referred to Committee on Human Services & Aging.  
SB 312, introduced by Mesaros, referred to Committee on Fish & Game.  
SB 316, introduced by Bishop, referred to Committee on Judiciary.  
SB 317, introduced by Benedict, referred to Committee on Business & Labor.  
SB 321, introduced by Swysgood, referred to Committee on Highways & Transportation.  
SB 322, introduced by Jacobson, referred to Committee on Select Health Care.  
SB 324, introduced by Bartlett, referred to Committee on State Administration.  
SB 327, introduced by Klampe, referred to Committee on Business & Labor.  
SB 329, introduced by Waterman, referred to Committee on Business & Labor.  
SB 333, introduced by Bishop, referred to Committee on Judiciary.  
SB 335, introduced by Miller, referred to Committee on Business & Labor.  
SB 337, introduced by Sprague, referred to Committee on State Administration.  
SB 339, introduced by Christiaens, referred to Committee on Select Health Care.  
SB 350, introduced by Van Valkenburg, referred to Committee on Business & Labor.  
SB 352, introduced by Grosfield, referred to Committee on Fish & Game.  
SB 353, introduced by Halligan, referred to Committee on Judiciary.  
SB 355, introduced by Forrester, referred to Committee on Highways & Transportation.  
SB 361, introduced by Weldon, referred to Committee on Highways & Transportation.  
SB 364, introduced by Sprague, referred to Committee on Agriculture.  
SB 370, introduced by Toews, referred to Committee on Education.  
SB 376, introduced by Christiaens, referred to Committee on Business & Labor.  
SB 377, introduced by Weldon, referred to Committee on Local Government.  
SB 380, introduced by Jacobson, referred to Committee on Select Health Care.  
SB 393, introduced by Aklestad, referred to Committee on Taxation.  
SJR 6, introduced by Brown, referred to Committee on State/Federal Relations.  
SJR 11, introduced by Brooke, referred to Committee on Education & Cultural Resources.  
SJR 12, introduced by Harding, referred to Committee on Judiciary.  
SJR 16, introduced by Lynch, referred to Committee on Judiciary.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

following manner:

**HB 92** failed as follows:

Ayes: Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Stovall, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 40

Noes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 58

Excused: None.

Total 0

Absent or not voting: Arnott, Forbes.

Total 2

**HB 100** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Boharski, Cocchiarella, Ellingson, Ewer, Galvin, Harrington, Heavy Runner, Hurdle, Larson, McCulloch, Pavlovich, Ream, Schwinden, Shea, S. Smith, Squires, Tuss, Wells, Wennemar, Wyatt.

Total 20

Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

**HB 150** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Squires, Tuss.  
Total 2

**HB 160** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 60

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Brainard, Taylor.  
Total 2

**HB 186** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Jore.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Kasten, Squires.  
Total 2

**HB 221** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, Herron, Hibbard, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, S. Smith, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.  
Total 52

Noes: Arnott, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Grady, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, L. Smith, Somerville, Squires, Swanson, Tash, Tropila, Tuss, Wennemar, Wyatt, Zook.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 233** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Wennemar.  
Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**HB 249** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Clark, Denny, Fisher, Heavy Runner, Herron, Kitzenberg, Rehbein, Tuss, Wyatt.

Total 9

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 256** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Kasten, Larson, Pavlovich, Quilici, Rehbein, Shea, Tuss.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**HB 338** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Hagener, Harper, Heavy Runner, Hurdle, Kadas, Keenan, Kottel, Larson, McCann, McCulloch, Peck, Raney, Ream, Schwinden, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 343** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Carey, Ellingson, Elliott, Ewer, Harper, Heavy Runner, Hurdle, Kadas, McCann, Peck, Raney, Tuss, Wennemar.

Total 13

Excused: None.

Total 0

Absent or not voting: Hibbard, Story.

Total 2

**HB 356** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Cocchiarella, Harrington, Tuss.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 357** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Jore, Kasten, Quilici.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 369** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Arnott, Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Schwinden, Shea, Simon, Somerville, Squires, Swanson, Taylor, Tropila, Tuss, Wennemar, Wyatt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Ellis, Kasten, Wagner.  
Total 3

**HB 376** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Murdock, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 396** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: Trexler.

Total 1

**HB 407** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Forbes, Galvin, Grimes, Harper, Harrington, Hurdle, J. Johnson, Keenan, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ream, Ryan, Schwinden, Shea, Simon, L. Smith, Tropila, Tuss, Wennemar, Wyatt.

Total 30

Excused: None.

Total 0

Absent or not voting: Green, Squires.

Total 2

**HB 411** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Clark, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCann, McCulloch, McKee, Peck, Raney, Ream, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

**HB 431** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Devaney, Jore, Keenan, S. Smith, Vick.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 434** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, DeBruycker, Denny, Feland, Grinde, Jore, Keenan, S. Smith, Vick.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 442** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: Grady, Simon.

Total 2

**HB 445** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Cobb, Fisher, Jore, Kasten, Rehbein, S. Smith, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Brainard, Tuss, Vick.

Total 3

**HB 449** passed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Barnett, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, Feland, Fisher, Grady, Green, Grinde, Herron, Jore, Kasten, Keenan, McGee, Molnar, Orr, Rehbein, L. Smith, Taylor, Vick, Wagner, Wells.

Total 26



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Excused: None.

Total 0

Absent or not voting: Martinez.

Total 1

**HB 454** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Murdock.

Total 1

**HB 491** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Arnott, Barnhart, Cocchiarella, Ellingson, Ewer, Fisher, Galvin, Harper, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, Menahan, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Tropila.

Total 24

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**HB 501** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Pavlovich, Peck, Quilici, Raney, Ream, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 518** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 520** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cocchiarella, Curtiss, Denny, Molnar, Nelson, Ream, Vick.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 527** passed as follows:

Ayes: Bergman, Bohlinger, Brainard, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, Squires, Story, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.

Total 54

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Clark, Cobb, Curtiss, Ewer, Fisher, M. Hanson, Harper, Heavy Runner, Herron, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McCann, McGee, Mills, Molnar, Nelson, Ohs, Orr, Simon, L. Smith, S. Smith, Soft, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: Elliott.

Total 1

**HB 530** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Noes: DeBruycker, Simpkins.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 536** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Fisher, Murdock, L. Smith, Wennemar.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 537** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Harrington, Hurdle, Quilici, Ryan.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: S. Smith.  
Total 1

**HB 543** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kottel, Larson, McCann, McCulloch, Molnar, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 549** passed as follows:

Ayes: Ahner, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 76

Noes: Arnott, Barnhart, Boharski, Curtiss, Denny, Grimes, Herron, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Nelson, Orr, Peck, S. Smith, Soft, Taylor, Vick, Wells.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Anderson.  
Total 1

**HB 551** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Ellingson, Hagener, Tuss, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: Fuchs, Jore, Keenan.

Total 3

**HB 556** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, DeBruycker, Jore, Orr, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Rehbein.

Total 1

**HB 557** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Noes: Anderson, Boharski, Cobb, DeBruycker, Denny, Feland, Fisher, Fuchs, Grinde, Hayne, Jore, Kasten, Keenan, Rehbein, S. Smith, Story, Vick, Wagner.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Forbes.  
Total 1

**HB 564** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Larson.  
Total 1

**HJR 22** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 84

Noes: Carey, Cocchiarella, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, McCann, Schwinden, Tropila, Tuss, Vick, Wennemar, Wyatt.  
Total 14

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: Boharski, S. Smith.

Total 2

**HJR 23** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Bergsagel, Bohlinger, Elliott, Grady, Green, Heavy Runner, Knox, Martinez, Masolo, McCann, Ohs, Peck, Rehbein, Schwinden, L. Smith, Story, Vick.

Total 18

Excused: None.

Total 0

Absent or not voting: Boharski, S. Smith.

Total 2

**HJR 25** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Jore, Molnar.

Total 2

Excused: None.

Total 0

Absent or not voting: Boharski, Denny, S. Smith, Vick.

Total 4

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 484** - Representative Grinde moved consideration of HB 484 be placed below 446 on the second reading board. Motion carried.

**HB 437** - Representative Wells moved HB 437, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Following: the second "ACT"

Strike: "CHANGING THE NONVOTING"

Insert: "ALLOWING THE TRUSTEES OF A SCHOOL DISTRICT TO GRANT VOTING PRIVILEGES TO A"

2. Title, line 6.

Strike: "TO A VOTING TRUSTEE POSITION"

3. Page 2, line 16.

Following: "~~trustee~~"

Insert: "-- nonvoting trustee"

4. Page 3, line 6.

Following: "~~nonvoting~~"

Insert: "nonvoting"

5. Page 3, line 8.

Following: "20-3-351(1)(a)"

Insert: "and the high school board of trustees may grant voting privileges to that trustee"

6. Page 3, line 9.

Strike: "The"

Insert: "Except for a nonvoting trustee position, the"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellis, Heavy Runner, Molnar, Simon, Somerville, Wyatt.

Total 6

Representative Wells moved HB 436, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Ellingson, Elliott, Heavy Runner, Kadas, Pavlovich, Ream, Schwinden, Squires, Tuss.

Total 9

Excused: None.

Total 0

Absent or not voting: Anderson, Cocchiarella, Harrington, Hurdle, S. Smith.

Total 5

**HB 269** - Representative Ellingson moved HB 269, second reading copy, be amended as follows (amendment #1):

1. Page 6, line 17.

Strike: "\$100,000"

Insert: "up to \$25,000"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Wiseman, Wyatt, Mr. Speaker.  
Total 90

Noes: Bergman, Brainard, M. Hanson, Taylor.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Arnott, Grady, Jore, Molnar, L. Smith, Zook.  
Total 6

Representative Ellingson moved HB 269, as amended, do pass. Motion failed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 44

Noes: Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 473** - Representative Knox moved HB 473 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 67

Noes: Barnhart, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, Menahan, Peck, Raney, Ream, Schwinden, Swanson, Tropila, Wennemar, Wyatt.  
Total 29

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Excused: None.  
Total 0

Absent or not voting: McCann, Pavlovich, Shea, Tuss.  
Total 4

**HB 533** - Representative Arnott moved HB 533 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Heavy Runner.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Menahan.  
Total 1

**HB 405** - Representative T. Nelson moved HB 405 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Ohs.  
Total 1

**HB 511** - Representative R. Johnson moved HB 511 do pass. Motion carried as follows:



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rose, Ryan, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Barnhart, Bergsagel, Cobb, Cocchiarella, Ellingson, Galvin, Hagener, Harrington, Kasten, Kottel, Larson, Peck, Raney, Ream, Rehbein, Schwinden, Shea, Tuss, Wennemar, Wyatt.

Total 20

Excused: None.

Total 0

Absent or not voting: Arnott, Pavlovich, Simon, Squires.

Total 4

**HB 446** - Representative Tuss moved HB 446, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 17.

Strike: "5"

Insert: "4"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Jore, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

Representative Orr moved HB 446, as amended, do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Harrington, Schwinden, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: R. Johnson.

Total 1

**HB 484** - Representative DeBruycker moved HB 484 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman, Denny, Vick.

Total 3

Excused: None.

Total 0

Absent or not voting: Feland, Fuchs, Jore.

Total 3

**HB 466** - Representative T. Nelson moved HB 466 do pass.

Representative Masolo excused at this time.

Representative Kadas moved HB 466, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Excused: Masolo.

Total 1

Absent or not voting: Mills.

Total 1

HB 466 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Ream, Schwinden, Squires, Tropila, Tuss, Wennemar, Wyatt.

Total 23

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 380** - Representative McKee moved HB 380 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Heavy Runner, Hurdle, Ryan.  
Total 3

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Elliott assumed the Chair at this time.

**HB 429** - Representative Molnar moved HB 429 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Arnott, Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Taylor, Tropila, Tuss, Wennemar, Wyatt.  
Total 36

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Bergsagel.  
Total 1

**HB 540** - Representative Molnar moved HB 540, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.  
Following: "~~39-71-774,~~"  
Insert: "39-71-117, 39-71-118, 39-71-774,"

2. Page 5..  
Following: line 30

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Insert:

"Section 2. Section 39-71-117, MCA, is amended to read:

"39-71-117. Employer defined. (1) "Employer" means:

(a) the state and each county, city and county, city school district, irrigation district, all other districts established by law, and all public corporations and quasi-public corporations and public agencies therein and every person, every prime contractor, and every firm, voluntary association, and private corporation, including any public service corporation and including an independent contractor who has any person in service under any appointment or contract of hire, expressed or implied, oral or written, and the legal representative of any deceased employer or the receiver or trustee ~~thereof~~ of the deceased employer;

(b) any association, corporation, or organization that seeks permission and meets the requirements set by the department by rule for a group of individual employers to operate as self-insured under plan No. 1 of this chapter; and

(c) any nonprofit association or corporation or other entity funded in whole or in part by federal, state, or local government funds that places community service participants, as defined in 39-71-118~~(1)(f)~~(1)(e), with nonprofit organizations or associations or federal, state, or local government entities.

(2) A temporary service contractor is the employer of a temporary worker for premium and loss experience purposes.

(3) An employer defined in subsection (1) who utilizes the services of a worker furnished by another person, association, contractor, firm, or corporation, other than a temporary service contractor, is presumed to be the employer for workers' compensation premium and loss experience purposes for work performed by the worker. The presumption may be rebutted by substantial credible evidence of the following:

(a) the person, association, contractor, firm, or corporation, other than a temporary service contractor, furnishing the services of a worker to another retains control over all aspects of the work performed by the worker, both at the inception of employment and during all phases of the work; and

(b) the person, association, contractor, firm, or corporation, other than a temporary service contractor, furnishing the services of a worker to another has obtained workers' compensation insurance for the worker in Montana both at the inception of employment and during all phases of the work performed.

(4) Notwithstanding the provisions of subsection (3), an interstate or intrastate common or contract motor carrier doing business in this state who utilizes drivers in this state is considered the employer, is liable for workers' compensation premiums, and is subject to loss experience rating in this state unless:

(a) the driver in this state is certified as an independent contractor as provided in 39-71-401(3); or

(b) the person, association, contractor, firm, or corporation furnishing drivers in this state to a motor carrier has obtained workers' compensation insurance on the drivers in Montana both at the inception of employment and during all phases of the work performed."

Section 3. Section 39-71-744, MCA, is amended to read:

"39-71-744. Benefits not due while claimant is incarcerated -- exceptions. (1) Except as provided in subsection (2), a claimant is not eligible for disability or rehabilitation compensation benefits while the claimant is incarcerated in a correctional institution, such as the Montana state prison or the Montana women's correctional center, as the result of conviction of a felony. The insurer remains liable for medical benefits. A time limit on benefits otherwise provided in this chapter is not extended due to a period of incarceration.

(2) A person who is employed while participating in a prerelease center program or a diversionary program is eligible for temporary total benefits as provided in 39-71-701 and medical benefits for a work-related injury received while participating in a prerelease center program or a diversionary program. Other disability or rehabilitation benefits are not payable while the worker is participating in a prerelease center. This subsection does not prohibit the reinstatement of other benefits upon release from incarceration, nor does it apply to an employee performing community service described in 39-71-118~~(1)(f)~~ (1)(e)."

Section 4. Section 39-71-118, MCA, is amended to read:



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

"39-71-118. Employee, worker, and volunteer firefighter defined. (1) The terms "employee" or "worker" means:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

~~(b) any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;~~

~~(e)~~ a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined in this subsection while they are on the premises of a public school or community college.

~~(d)(c)~~ students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

~~(e)(d)~~ an aircrew member or other person employed as a volunteer under 67-2-105;

~~(f)(e)~~ a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection ~~(f)(1)(e)~~:

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

~~(g)(f)~~ an inmate working in a federally certified prison industries program authorized under 53-1-301.

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities.

(3) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(4) (a) If the employer is a partnership or sole proprietorship, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner or sole proprietor is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.

(5) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(6) An employee or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(7) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (7)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

(i) nonresident employees are hired in Montana;

(ii) nonresident employees' wages are paid in Montana;

(iii) nonresident employees are supervised in Montana; and

(iv) business records are maintained in Montana.

(8) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (7)(b) or (7)(d) as a condition of approving the election under subsection (7)(d). ""

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Galvin, Tuss, Wyatt.

Total 3

Excused: Masolo.

Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: Fisher, Mills.

Total 2

Representative Masolo present at this time.

Representative Molnar moved HB 540, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rose, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Arnott, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Taylor, Tropila, Tuss, Wennemar, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: Soft.

Total 1

Representative Simpkins assumed the Chair at this time.

**HB 240** - Representative Soft moved HB 240 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: DeBruycker, Grimes, Heavy Runner, Jore, Simpkins.

Total 5

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**HB 339** - Representative Molnar moved HB 339, second reading copy, be amended as follows (amendment #1):

1. Title, lines 4 and 7.  
Following: "PERMITS"  
Insert: "AND LICENSES"

2. Page 1, line 29.  
Following: "special"  
Insert: "permits and"

3. Page 2, line 4.  
Following: "permits"  
Insert: "and licenses"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Fuchs, Galvin, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Cocchiarella, Ewer, McCulloch.  
Total 3

Excused: None.  
Total 0

Absent or not voting: DeBruycker, Forbes, Grimes, Grinde, Heavy Runner, Jore, Kottel, Simpkins, Soft, Vick.  
Total 10

Representative Molnar moved HB 339, as amended, do pass. Motion failed as follows:

Ayes: Curtiss, DeBruycker, Devaney, Feland, Forbes, Fuchs, Green, Grinde, Herron, Jore, Keenan, McGee, Molnar, Ohs, Simpkins, Sliter, L. Smith, Tash, Trexler, Vick, Wells, Wiseman.  
Total 22

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Tropila, Tuss, Wagner, Wennemar, Wyatt, Zook.  
Total 72



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Excused: None.

Total 0

Absent or not voting: Clark, Grimes, Hayne, Masolo, Mills, Mr. Speaker.

Total 6

**HB 348** - Representative Harper moved HB 348, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 26.

Following: "conflicts"

Insert: ", subject to the provisions of subsection (4)"

2. Page 3, line 3.

Insert: "(4) The process of adoption of rules by the commission under subsection (2) to address recreational user impacts or conflicts or to preserve a diversity of recreational opportunities may not be begun unless the adoption of the rules is requested by: (a) petition by 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rules, by a governmental subdivision or agency, or by the administrative code committee; or (b) a local work group composed of private persons, local organizations, and local government representatives that, using a consensus-based process, has identified local recreational user impacts or conflicts or the need to preserve a diversity of recreational opportunities and that agrees to present the issue to the commission for negotiated or formal rulemaking. If negotiated rulemaking is used, at least one meeting during the process must be held in the local area that would be affected by the proposed rules."

3. Page 3, line 23.

Following: "(a)"

Insert: "subject to the provisions of subsection (6)(c),"

4. Page 4, line 3.

Strike: " \_ "

Insert: "; (c) begin the process of adoption of rules under this subsection (6) only when the adoption of the rules is requested by: (i) petition by 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rules, by a governmental subdivision or agency, or by the administrative code committee; or (ii) a local work group composed of private persons, local organizations, and local government representatives that, using a consensus-based process, has identified local recreational user impacts or conflicts or the need to preserve a diversity of recreational opportunities and that agrees to present the issue to the board for negotiated or formal rulemaking. If negotiated rulemaking is used, at least one meeting during the process must be held in the local area that would be affected by the proposed rules."

Amendment #1 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Soft, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 70

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Noes: Anderson, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, M. Hanson, Jore, Keenan, Kitzenberg, Masolo, Orr, Rehbein, Simpkins, Sliter, S. Smith, Somerville, Stovall, Tash, Taylor, Vick, Wagner.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Arnott, Forbes, Grinde, Harrington, Nelson, Ohs, Mr. Speaker.  
Total 7

Representative Grimes resumed the Chair at this time.

Representative Harper moved HB 348, as amended, do pass. Motion failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 41

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: Ohs, Sliter, Soft.  
Total 3

**HB 439** - Representative Ohs moved HB 439, second reading copy, be amended as follows (amendment #1):

1. Title, lines 4 and 5.  
Strike: "REVISING" on line 4 through "ENTER" on line 5  
Insert: "ESTABLISHING A POLICY FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS REGARDING ENTRY"
2. Title, lines 5 and 6.  
Strike: "FOR" on line 5 through "OF" on line 6  
Insert: "BY REQUIRING THE DEPARTMENT TO WORK WITH"
3. Title, lines 6 and 7.  
Strike: "OR" on line 6 through "MCA" on line 7  
Insert: "ON LAND ENTRY AND USER POLICIES"

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

4. Page 1, line 11 through page 2, line 6.

Strike: Section 1 in its entirety

Insert: "NEW SECTION. Section 1. Entry on private land -- policy. It is the policy of the department to meet with and work cooperatively with individual private landowners on policies regarding entry by the department to private landowners' land and to work with public and private land managers to resolve and reduce user conflicts.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1]."

Amendment #1 passed as follows:

Ayes: Ahner, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Swanson, Tash, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Mr. Speaker.  
Total 74

Noes: Anderson, Arnott, Barnett, Bergsagel, Cobb, DeBruycker, Denny, Feland, Grinde, M. Hanson, Heavy Runner, Jore, Kasten, Kitzenberg, Peck, Rehbein, Rose, Story, Stovall, Taylor, Trexler, Wiseman, Wyatt, Zook.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Devaney, McGee.  
Total 2

Representative Ohs moved HB 439, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 91

Noes: Arnott, Bergsagel, Cobb, Hurdle, McCann, Peck, Rose, Wyatt.  
Total 8

Excused: None.  
Total 0



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: Heavy Runner.

Total 1

**HB 423** - Representative Harper moved HB 423 do pass.

Representative Harper moved HB 423, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Noes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Arnott.

Total 1

Representative Harper moved HB 423, second reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

HB 423 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Bergman, Bergsagel, Cobb, Devaney, Elliott, Fisher, Hayne, Kasten, Marshall, Rehbein, Tropila.

Total 12

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**HB 366** - Representative Kasten moved HB 366 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Brainard, Denny, H.S. Hanson, Herron, Hibbard, McKee.

Total 6

**HB 563** - Representative Sliter moved HB 563 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 59

Noes: Barnhart, Bergsagel, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Arnott, Taylor.  
Total 2

**HB 340** - Representative T. Nelson moved HB 340 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Fuchs.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 385** - Representative R. Johnson moved HB 385 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Noes: Squires.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Grady, Menahan, Wennemar.  
Total 3

**HB 539** - Representative Soft moved HB 539, second reading copy, be amended as follows (amendment #1):

1. Title, lines 9 and 10.

Strike: "AUTHORIZING" on line 9 through "REGULATIONS;" on line 10

2. Title, line 11.

Strike: "16-11-311,"

3. Page 2, line 22.

Following: "~~violation.~~"

Insert: "at any one location"

4. Page 2, line 28.

Strike: ", and the"

Insert: ". The"

5. Page 4, line 8.

Strike: "(6)"

Insert: "(8)"

6. Page 4, line 11.

Following: "    "

Insert: "The education materials may be used only for the purposes provided in this section."

7. Page 5, line 5.

Following: "~~means~~"

Insert: "let by the department of corrections and human services"

8. Page 5, line 6.

Following: "services"

Insert: "a fourth and subsequent time"

9. Page 5.

Lines 12 through 14.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 6. Minors not liable for possession. An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of a tobacco product possessed for the purposes of enforcing this part."

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

10. Page 6, line 17.

Strike: "[Section 5] is"

Insert: "[Sections 5 and 6] are"

11. Page 6, line 19.

Strike: "[section 5]"

Insert: "[sections 5 and 6]"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Ellingson.

Total 1

Excused: None.

Total 0

Absent or not voting: Grady, Tuss.

Total 2

Representative Simon moved HB 539, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows:

Ayes: Boharski, Cobb, Cocchiarella, Denny, Devaney, Elliott, Forbes, Grady, Grinde, Harrington, Heavy Runner, Jore, Kasten, Keenan, Larson, Mills, Nelson, Orr, Pavlovich, Shea, Simon, Sliter, S. Smith, Tash, Tropila, Tuss, Wyatt, Zook.  
Total 28

Noes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Ellingson, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Wells, Wennemar, Wiseman, Mr. Speaker.  
Total 69

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Absent or not voting: Arnott, Vick, Wagner.  
Total 3

Representative Soft moved HB 539, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Cobb, Elliott, Grinde, Jore, Kasten, Murdock, Nelson, Orr, Rehbein, Schwinden, Simon, Tuss.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 37** - Representative Forbes moved SB 37 be concurred in.

Representative Cobb moved SB 37, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kasten, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt, Zook.  
Total 42

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Masolo, McGee, McKee, Mills, Molnar, Murdock, Ohs, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Mr. Speaker.  
Total 57

Excused: None.  
Total 0

Absent or not voting: Nelson.  
Total 1



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Representative Cobb moved SB 37, second reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

Representative Kadas moved SB 37, second reading copy, be amended (amendment #3). Amendment #3 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

The do pass motion of Representative Forbes passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Arnott, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Denny excused at this time.

**HB 308** - Representative Ewer moved HB 308 do pass.

Representative Ewer moved HB 308, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 12.

Following: "charges"

Strike: remainder of line 12 in its entirety

2. Page 4, line 4.

Strike: "The"

Insert: "Unless the property contains a mobile home, the"

3. Page 4, line 5.

Following: "  "

Insert: "If the property contains a mobile home, the amount owed as a tax must be assessed against the owner of the mobile home."

4. Page 6, line 15.

Following: "  "

Insert: "Prior to imposing rates or charges for facilities under this subsection, a notice must be published as provided in 7-1-2121 and a hearing on the imposition of the rates or charges must be held at a time and place noted in the notice."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Hayne, Rehbein, Wennemar.

Total 4

Excused: Denny.

Total 1

Absent or not voting: Bergsagel, Forbes, Grinde, Jore.

Total 4

Representative Wagner moved HB 308, second reading copy, be amended as follows (amendment #2):

1. Page 4, line 20.

Strike: "6"

Insert: "5"

2. Page 5, lines 10 through 29.

Strike: Section 5 in its entirety

Renumber: subsequent sections

3. Page 7, lines 11 and 13.

Strike: "5 through 7" on lines 11 and 13

Insert: "5 and 6"

Amendment #2 passed as follows:

Ayes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Fisher, Fuchs, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Martinez, Masolo, McCulloch, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wennemar, Zook, Mr. Speaker.

Total 51

Noes: Ahner, Barnhart, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Feland, Forbes, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, L. Smith, Soft, Story, Swanson, Trexler, Tropila, Tuss, Wiseman, Wyatt.

Total 47

Excused: Denny.

Total 1

Absent or not voting: Grinde.

Total 1



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

Representative Ewer moved HB 308, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Curtiss, DeBruycker, Denny, Rehbein, S. Smith, Story.

Total 7

Voted Absentee: Denny, No.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HJR 26** - Representative Curtiss moved HJR 26 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, DeBruycker, Feland, Green, Grinde, Heavy Runner, Herron, Jore, Kasten, Molnar, Rehbein, Somerville, Story, Taylor, Tuss, Vick, Wells.

Total 17

Voted Absentee: Denny, Aye.

Excused: None.

Total 0

Absent or not voting: Boharski, J. Johnson, Masolo, S. Smith, Wennemar.

Total 5

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

adopted. (74-20)

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/20/95

**SB 251**, introduced by Swysgood  
**SB 281**, introduced by Crismore  
**SB 283**, introduced by Jabs  
**SB 303**, introduced by Pipinich  
**SB 309**, introduced by Forrester  
**SB 312**, introduced by Mesaros  
**SB 321**, introduced by Swysgood  
**SB 324**, introduced by Bartlett  
**SB 352**, introduced by Grosfield  
**SB 355**, introduced by Forrester  
**SB 370**, introduced by Toews  
**SB 376**, introduced by Christiaens  
**SB 380**, introduced by Jacobson

**MOTIONS**

**HB 338** - Representative Ahner moved she be allowed to change her vote on HB 338, third reading, from nay to aye. Motion carried.

**HB 308** - Representative L. Smith moved she be allowed to change her vote on Amendment #2, HB 308, second reading, from aye to nay. Motion carried.

**HB 520** - Representative Barnett moved he be allowed to change his vote on HB 520, third reading, from nay to aye. Motion carried.

**HB 540** - Representative Barnett moved he be allowed to change his vote on HB 540, second reading, from not voting to aye. Motion carried.

**HB 269** - Representative Vick moved he be allowed to change his vote on HB 269, second reading, from aye to nay. Motion carried.

**HB 543** - Representative Kadas moved he be allowed to change his vote on HB 543, third reading, from aye to nay. Motion carried.

**HB 508** - Representative Hurdle moved HB 508 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed. (30-68)

**HB 430** - Representative Simon moved HB 430 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed. (28-71)

**HB 262** - Representative Menahan moved HB 262 be taken from the table in the Committee on Fish & Game, printed, and placed on second reading this legislative day. Motion failed. (49-50)

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 20, 1995

**HB 546** - Representative S. Smith moved HB 546 be taken from the table in the Committee on Education & Cultural Resources, printed, and placed on second reading this legislative day. Motion failed. (51-45)

**HB 487** - Representative Hurdle moved HB 487 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion failed. (30-64)

**HB 369** - Representative Keenan moved he be allowed to change his vote on HB 369, third reading, from not voting to aye. Motion carried.

**HB 540** - Representative Keenan moved he be allowed to change his vote on HB 540, second reading, from not voting to aye. Motion carried.

**HB 486** - Representative Jore moved HB 486 be taken from the table in the Committee on Fish & Game, printed, and placed on second reading this legislative day. Motion failed. (35-61)

**HB 498** - Representative Cocchiarella moved the House reconsider its action on HB 498 taken on second reading the previous legislative day. Motion failed. (45-51)

**HB 499** - Representative Cocchiarella moved the House reconsider its action on HB 499 taken on second reading the previous legislative day. Motion failed. (46-51)

**HB 192** - Representative Harper moved the House reconsider its action on HB 192 taken on second reading the previous legislative day and that HB 192 be rereferred to the Committee on Appropriations. Motion carried. (48-47)

**HB 501** - Representative Raney moved he be allowed to change his vote on HB 501, third reading, from aye to nay. Motion carried.

**HB 221** - Representative Clark moved he be allowed to change his vote on HB 221, third reading, from aye to nay. Motion carried.

**HB 484** - Representative Grady moved HB 484 be taken from third reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 511** - Representative Wells moved he be allowed to change his vote on HB 51, second reading, from not voting to aye. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 21, 1995. Motion carried.

House adjourned at 7:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 21, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Thomas E. Nelson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth legislative days, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Kristy Faulkner, Sidney  
Andrea Gonzales, Billings  
Katherine Good, Great Falls  
Ryan Lindsay, Clancy  
Melissa Kovanda, Columbus  
Marshall Miller, Helena  
Jennifer Smith, Livingston  
Ariane Smith, Great Falls  
Steve Hawkins, Dayton (permanent page)  
Jennifer Smith, Livingston (permanent page)

Honorary Pages

Kevin Sullivan, Superior  
Chris Smith, Kalispell  
Jessica Murphy, Big Arm

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/21/95

Correctly engrossed for third reading: HB 240, HB 340, HB 366, HB 380, HB 385, HB 405, HB 423, HB 429, HB 437, HB 439, HB 446, HB 466, HB 473, HB 484, HB 511, HB 533, HB 539, HB 540, HB 563, HB 308, HJR 26.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 573**, introduced by Cobb, referred to Committee on Appropriations.  
**HB 574**, introduced by Rehbein, referred to Committee on Taxation.  
**HB 575**, introduced by Raney, referred to Committee on Appropriations.  
**HJR 27**, introduced by McCann, referred to Committee on State/Federal Relations.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 197** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Curtiss, DeBruycker, Denny, Jore, Kasten, Rehbein, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 240** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Jore, Rehbein, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Barnett, Bohlinger, Ream, Wells.

Total 4



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

**HB 327** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bergman, Bergsagel, Boharski, Brainard, Curtiss, Denny, Fisher, Fuchs, Green, Grinde, M. Hanson, Hayne, Herron, Jore, Kasten, Masolo, Molnar, Rehbein, S. Smith, Taylor, Vick, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 340** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Wyatt.

Total 1

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**HB 358** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Ream,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Arnott, Barnhart, Carey, DeBruycker, Ellingson, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Raney, Schwinden, Swanson, Tropila, Wyatt.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Ohs.  
Total 1

**HB 366** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Elliott, Tuss.  
Total 2

**HB 380** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**HB 385** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Squires.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde, Murdock, Taylor, Vick.

Total 4

**HB 405** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Absent or not voting: Ahner.  
Total 1

**HB 410** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Herron, Hibbard, J. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Arnott, Bergman, Cocchiarella, Ellingson, Ewer, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, R. Johnson, Kadas, Kasten, McCulloch, Menahan, Ream, Ryan, Schwinden, Shea, Soft, Squires, Story, Swanson, Tuss, Wyatt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 429** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Arnott, Barnhart, Carey, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, Masolo, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Taylor, Tropila, Tuss, Wennemar, Wyatt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Soft.  
Total 1

**HB 443** passed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Ahner, Anderson, Boharski, Feland, Grimes, Heavy Runner, Rehbein, L. Smith, Wyatt.

Total 9

Excused: None.

Total 0

Absent or not voting: Hagener, Trexler.

Total 2

**HB 461** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Curtiss, DeBruycker, Herron, Jore, Kasten, Orr, Rehbein, Vick, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 464** passed as follows:

Ayes: Ahner, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Green, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt, Mr. Speaker.

Total 57

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Ellis, Feland, Forbes, Fuchs, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Stovall, Tash, Taylor, Vick, Wagner, Wiseman, Zook.

Total 42

Excused: None.

Total 0

Absent or not voting: Jore.

Total 1

**HB 473** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Arnott, Barnhart, Carey, Cobb, Denny, Ellingson, Elliott, Ewer, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Larson, Martinez, McCulloch, Menahan, Molnar, Peck, Raney, Ream, Schwinden, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 478** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Cobb, DeBruycker, Hurdle, Wyatt.

Total 4



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 482** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Bohlinger, Carey, Cobb, Cocchiarella, Elliott, Ewer, Feland, Fisher, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 34

Excused: None.

Total 0

Absent or not voting: Barnhart, Ellingson, Galvin, Grady, Tropila.

Total 5

**HB 489** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Cobb, Hagener, Harrington, Heavy Runner, Hurdle, Orr, Peck, Schwinden, Shea, L. Smith, Tuss.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 504** passed as follows:

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Galvin, L. Smith, Tropila, Tuss, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: Boharski, Squires.

Total 2

**HB 511** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Cobb, Cocchiarella, Hagener, Harrington, Kasten, Kottel, Pavlovich, Quilici, Raney, Ream, Squires, Tuss, Wennemar, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

**HB 533** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 559** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Arnott, Barnhart, Bergsagel, Boharski, Cobb, Curtiss, Denny, Grimes, Hurdle, R. Johnson, Mills, Rehbein, Soft, Vick, Wagner.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Heavy Runner.  
Total 1

**HB 563** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 58

Noes: Arnott, Barnhart, Bergsagel, Carey, Cocchiarella, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 41



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Excused: None.

Total 0

Absent or not voting: Ellingson.

Total 1

**HJR 24** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt, Mr. Speaker.

Total 61

Noes: Anderson, Bergman, Bergsagel, Brainard, Curtiss, DeBruycker, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Jore, Keenan, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Sliter, Story, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook.

Total 35

Excused: None.

Total 0

Absent or not voting: Boharski, Hagener, Holland, S. Smith.

Total 4

**HJR 26** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Bergsagel, DeBruycker, Devaney, Feland, Grinde, Jore, Kasten, Keenan, Kottel, Martinez, Molnar, Rehbein, Somerville, Story, Taylor, Tuss, Vick, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: Boharski, Masolo, Sliter, S. Smith.

Total 4

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

**SB 37** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Arnott, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Feland.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 91** - Representative Devaney moved SB 91 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Barnhart, Ellingson, Raney, Tuss, Wennemar.  
Total 5

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Absent or not voting: Ellis, R. Johnson.

Total 2

**SB 95** - Representative L. Smith moved HB 95 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, DeBruycker, Jore, Ryan.

Total 4

Excused: None.

Total 0

Absent or not voting: Grady, Kitzenberg, Molnar, Tuss.

Total 4

**SB 96** - Representative Masolo moved SB 96 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Harrington, Kitzenberg, Wyatt.

Total 3

**SB 99** - Representative Arnott moved SB 99 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Tuss.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 104** - Representative Larson moved SB 104 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Cobb, Grimes, Hurdle.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Orr.  
Total 1

**SB 111** - Representative Hibbard moved SB 111 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook.  
Total 74

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Noes: Barnhart, Boharski, Brainard, Cocchiarella, Denny, Ewer, Fuchs, Green, Grinde, Harper, Harrington, Hurdle, Jore, Keenan, Kottel, Martinez, Molnar, Murdock, Orr, Rehbein, L. Smith, Soft, Vick, Wagner, Wennemar, Mr. Speaker.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 125** - Representative Feland moved SB 125 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: Hurdle, Wyatt.

Total 2

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**SB 139** - Representative Hibbard moved consideration of SB 139 be passed for the day. Motion carried.

**SB 160** - Representative Clark moved SB 160 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Wyatt.

Total 1

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

Excused: None.

Total 0

Absent or not voting: Barnhart, Ohs, Tash.

Total 3

**SB 196** - Representative Devaney moved SB 196 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Hagener, Hurdle.

Total 2

Excused: None.

Total 0

Absent or not voting: Bergman, Kitzenberg, Ohs.

Total 3

**MOTIONS**

**SB 37** - Representative Ahner moved she be allowed to change her vote on SB 37, third reading, from not voting to aye. Motion carried.

Representative Murdock moved she be allowed to change her vote on SB 37, third reading, from not voting to aye. Motion carried.

**HB 358** - Representative Kottel moved she be allowed to change her vote on HB 358, third reading, from aye to nay. Motion carried.

**HB 197** - Representative Squires moved she be allowed to change her vote on HB 197, third reading, from nay to aye. Motion carried.

**SB 37** - Representative Sliter moved he be allowed to change his vote on SB 37, third reading, from not voting to aye. Motion carried.

**HB 429** - Representative Ellingson moved he be allowed to change his vote on HB 429, third reading, from aye to nay. Motion carried.

**SB 232** - Representative Kitzenberg moved that he be removed as a sponsor from SB 232. Motion carried.



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 21, 1995

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/21/95

SB 86, introduced by Gage  
SB 187, introduced by Brown  
SB 194, introduced by Baer  
SB 226, introduced by Keating  
SB 282, introduced by Burnett  
SB 293, introduced by Harding  
SB 296, introduced by Harding  
SB 299, introduced by Beck  
SB 307, introduced by Harding  
SB 311, introduced by Weldon  
SB 323, introduced by Beck  
SB 340, introduced by Crippen  
SB 347, introduced by Crismore  
SB 349, introduced by Foster  
SB 365, introduced by Cole  
SB 371, introduced by Grosfield  
SB 373, introduced by Foster  
SB 378, introduced by Swysgood  
SB 386, introduced by Devlin  
SB 389, introduced by Hargrove  
SB 392, introduced by Gage  
SB 394, introduced by Devlin  
SB 398, introduced by Gage  
SB 400, introduced by Grosfield  
SB 401, introduced by Christiaens  
SB 402, introduced by Eck  
SB 405, introduced by Jacobson  
SB 406, introduced by L. Nelson  
SJR 13, introduced by Stang  
SJR 15, introduced by Harp  
SJR 17, introduced by Jenkins

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Wednesday, February 22, 1995. Motion carried.

House adjourned at 2:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 22, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Duane Grimes. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Kadas, McCann, Ohs, L. Smith, Tropila, Wyatt, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fortieth legislative day, find the same to be correct.

Hayne, Chairman

**COMMUNICATIONS AND PETITIONS**

February 20, 1995  
**SUPPLEMENTAL AGREEMENT**

This is a supplemental agreement that is in conjunction with the transmittal agreement of February 18, 1995.

The following additional bills shall be subject to the 67th day transmittal deadline.

<u>House Bill No.</u>	<u>Senate Bill No.</u>
HB 268	SB 313
HB 531	SB 345
HB 542	
HB 548	
HB 560	
HB 572	
LC 1309	

Signed:

John A. Mercer - Speaker of the House  
Ray Peck - House Minority Leader  
Bob Brown - President of the Senate  
Mike Halligan - Senate Minority Leader

February 16, 1995

The Honorable Marc Racicot  
Governor  
State Capitol  
Helena, Montana 59620-0801

Dear Governor Racicot:

It is my pleasure to inform you that the following members have been temporarily appointed to the

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Legislative Oversight Committee on Montana v. ARCO Litigation:

Representative Mike Kadas  
Representative Roger Somerville

These members will serve until permanent appointments are made.

Their interest and expertise should be of great assistance.

Sincerely,

John A. Mercer  
Speaker of the House

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/22/95  
Correctly printed for second reading: HB 11.

APPROPRIATIONS (Zook, Chairman): 2/21/95  
HB 11, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/21/95  
SB 94, be amended as follows:

1. Page 2, line 25 and page 3, line 4.  
Strike: "A"  
Insert: "Except as provided in 13-10-211(4), a"

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committees:

SB 86, introduced by Gage, referred to Committee on Highways & Transportation.  
SB 187, introduced by Brown, referred to Committee on Business & Labor.  
SB 194, introduced by Baer, referred to Committee on Select Health Care.  
SB 226, introduced by Keating, referred to Committee on Human Services & Aging.  
SB 282, introduced by Burnett, referred to Committee on Highways & Transportation.  
SB 293, introduced by Harding, referred to Committee on Human Services & Aging.  
SB 296, introduced by Harding, referred to Committee on Agriculture, Livestock & Irrigation.  
SB 299, introduced by Beck, referred to Committee on Local Government.  
SB 307, introduced by Harding, referred to Committee on Business & Labor.  
SB 311, introduced by Weldon, referred to Committee on Business & Labor.  
SB 323, introduced by Beck, referred to Committee on Local Government.  
SB 340, introduced by Crippen, referred to Committee on Judiciary.



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

SB 347, introduced by Crismore, referred to Committee on Natural Resources.  
SB 349, introduced by Foster, referred to Committee on Natural Resources.  
SB 365, introduced by Cole, referred to Committee on Agriculture, Livestock & Irrigation.  
SB 371, introduced by Grosfield, referred to Committee on Natural Resources.  
SB 373, introduced by Foster, referred to Committee on Natural Resources.  
SB 378, introduced by Swysgood, referred to Committee on Highways & Transportation.  
SB 386, introduced by Devlin, referred to Committee on Natural Resources.  
SB 389, introduced by Hargrove, referred to Committee on Agriculture, Livestock & Irrigation.  
SB 392, introduced by Gage, referred to Committee on Business & Labor.  
SB 398, introduced by Gage, referred to Committee on Rules.  
SB 400, introduced by Grosfield, referred to Committee on Business & Labor.  
SB 401, introduced by Christiaens, referred to Committee on Human Services & Aging.  
SB 402, introduced by Eck, referred to Committee on Judiciary.  
SB 405, introduced by Jacobson, referred to Committee on Select Health Care.  
SB 406, introduced by L. Nelson, referred to Committee on Natural Resources.  
SJR 13, introduced by Stang, referred to Committee on Education & Cultural Resources.  
SJR 15, introduced by Harp, referred to Committee on Natural Resources.  
SJR 17, introduced by Jenkins, referred to Committee on Agriculture, Livestock & Irrigation.

**MOTIONS**

HB 540 - Representative Grinde moved HB 540 be taken from third reading and rereferred to the Committee on Appropriations. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 308 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Clark, Curtiss, DeBruycker, Grinde, McCulloch, Orr, Rehbein, Squires, Story, Taylor, Wennemar.  
Total 11

Voted Absentee: Kadas, Ohs, L. Smith, Tropila, Wyatt, Ayes.

Excused: McCann.  
Total 1

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Absent or not voting: Ellis, Larson.  
Total 2

**HB 423** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Arnott, Bergman, Cocchiarella, DeBruycker, Elliott, Grady, Harrington, Hayne, Heavy Runner, Kasten, Kottel, Rehbein, Tuss.  
Total 13

Voted Absentee: Kadas, Ohs, L. Smith, Tropila, Wyatt, Ayes.

Excused: McCann.  
Total 1

Absent or not voting: Ellis, Mills.  
Total 2

**HB 437** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Ellingson, Ewer, Harper, Heavy Runner, Kadas, Schwinden, Tuss, Wennemar, Wyatt.  
Total 9

Voted Absentee: Ohs, L. Smith, Tropila, Ayes; Kadas, Wyatt, Noes.

Excused: McCann.  
Total 1

Absent or not voting: Bergsagel, Ellis.  
Total 2

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

**HB 439** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Cobb, Galvin, Green, Heavy Runner, Hurdle, Kadas, Kottel, Marshall, Peck, Shea, Tuss, Wyatt.  
Total 12

Voted Absentee: Ohs, L. Smith, Tropila, Ayes; Kadas, Wyatt, Noes.

Excused: McCann.  
Total 1

Absent or not voting: Ellis.  
Total 1

**HB 446** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Barnhart, Hurdle, Kadas, Peck, Schwinden.  
Total 5

Voted Absentee: McCann, Ohs, L. Smith, Tropila, Wyatt, Ayes; Kadas, No.

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 466** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss,



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

DeBruycker, Denny, Devaney, Elliott, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Ream, Rehbein, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Hagener, Harper, Heavy Runner, Kadas, Larson, McCulloch, Menahan, Pavlovich, Peck, Raney, Schwinden, L. Smith, Squires, Tropila, Tuss, Wyatt.

Total 21

Voted Absentee: McCann, Ohs, Ayes; Kadas, L. Smith, Tropila, Wyatt, Noes.

Excused: None.

Total 0

Absent or not voting: Ellis, Rose.

Total 2

**HB 539** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Clark, Cobb, Elliott, Heavy Runner, Jore, Kasten, Menahan, Orr, Rehbein, Schwinden, Simon, Tuss, Wagner, Wyatt.

Total 14

Voted Absentee: Kadas, McCann, Ohs, L. Smith, Tropila, Ayes; Wyatt, No.

Excused: None.

Total 0

Absent or not voting: Ellis, Trexler.

Total 2

**SB 91** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron,

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnhart, Ellingson, Ewer, Raney, Tuss.

Total 5

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Wyatt, Ayes.

Excused: Ohs.

Total 1

Absent or not voting: None.

Total 0

**SB 95** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Jore.

Total 2

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Wyatt, Ayes.

Excused: Ohs.

Total 1

Absent or not voting: Mills.

Total 1

**SB 96** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan,

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 97

Noes: Simpkins, Wyatt.  
Total 2

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Ayes; Wyatt, No.

Excused: Ohs.  
Total 1

Absent or not voting: None.  
Total 0

**SB 99** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Wyatt, Ayes.

Excused: Ohs.  
Total 1

Absent or not voting: None.  
Total 0

**SB 104** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Hurdle.  
Total 1

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Wyatt, Ayes.

Excused: Ohs.  
Total 1

Absent or not voting: Green, Harrington.  
Total 2

**SB 111** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Feland, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 72

Noes: Barnett, Barnhart, Boharski, Brainard, Cocchiarella, Denny, Ewer, Fisher, Green, Grimes, Grinde, Harper, Hurdle, Jore, Keenan, Kottel, Martinez, McGee, Molnar, Murdock, Rehbein, Soft, Trexler, Vick, Wells, Wennemar.  
Total 26

Voted Absentee: Kadas, McCann, Ohs, L. Smith, Tropila, Wyatt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ellis, Wagner.  
Total 2

**SB 125** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 88

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Noes: Arnott, Green, Harper, Harrington, Hurdle, Menahan, Raney, Ryan, Tuss, Wyatt.  
Total 10

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Ayes; Wyatt, No.

Excused: Ohs.  
Total 1

Absent or not voting: Rose.  
Total 1

**SB 160** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 98

Noes: Wyatt.  
Total 1

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Ayes; Wyatt, No.

Excused: Ohs.  
Total 1

Absent or not voting: None.  
Total 0

**SB 196** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Hurdle.  
Total 1

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 22, 1995

Voted Absentee: Kadas, McCann, L. Smith, Tropila, Wyatt, Ayes.

Excused: Ohs.

Total 1

Absent or not voting: Forbes, McGee.

Total 2

**SPECIAL ORDERS OF THE DAY**

SB 389 was changed to reflect Senator Tveit as chief sponsor.

The following sponsors were removed from HJR 18: Senator Benedict, Senator Baer.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 4:00 p.m., Monday, February 27, 1995. Motion carried.

House adjourned at 8:15 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 27, 1995

House Chambers  
State Capitol

House convened at 4:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Harriet Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Devaney, Ellingson, H. Hanson, Molnar, Wyatt, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-first, forty-second and forty-third legislative days, find the same to be correct.

Hayne, Chairman

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/22/95

SB 98, introduced by Foster  
SB 234, introduced by Grosfield  
SB 252, introduced by Tveit  
SB 330, introduced by Swysgood  
SB 331, introduced by Beck  
SB 341, introduced by Holden  
SB 346, introduced by Forrester  
SB 354, introduced by Forrester  
SB 357, introduced by Van Valkenburg  
SB 362, introduced by Tveit  
SB 372, introduced by Stang  
SB 374, introduced by Harp  
SB 375, introduced by Benedict  
SB 384, introduced by Benedict  
SB 388, introduced by Harp  
SB 395, introduced by Bartlett  
SB 415, introduced by Grosfield  
SJR 14, introduced by Jacobson

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 22, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 54 sponsored by Representative Thomas Nelson on February 22, 1995.

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - FEBRUARY 27, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 22, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 73 sponsored by Representative Pavlovich on February 22, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 576**, introduced by Grady, referred to Committee on Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 63**, introduced by Crippen, referred to Committee on Judiciary.  
**SB 98**, introduced by Foster, referred to Committee on State Administration.  
**SB 234**, introduced by Grosfield, referred to Committee on State Administration.  
**SB 252**, introduced by Tveit, referred to Committee on Natural Resources.  
**SB 330**, introduced by Swysgood, referred to Committee on Natural Resources.  
**SB 331**, introduced by Beck, referred to Committee on Natural Resources.  
**SB 341**, introduced by Holden, referred to Committee on Select Health Care.  
**SB 346**, introduced by Forrester, referred to Committee on Natural Resources.  
**SB 354**, introduced by Forrester, referred to Committee on Business & Labor.  
**SB 357**, introduced by Van Valkenburg, referred to Committee on State Administration.  
**SB 362**, introduced by Tveit, referred to Committee on Natural Resources.  
**SB 372**, introduced by Stang, referred to Committee on Judiciary.  
**SB 374**, introduced by Harp, referred to Committee on Business & Labor.  
**SB 375**, introduced by Benedict, referred to Committee on Business & Labor.  
**SB 384**, introduced by Benedict, referred to Committee on Business & Labor.  
**SB 388**, introduced by Harp, referred to Committee on Human Services & Aging.  
**SB 395**, introduced by Bartlett, referred to Committee on Human Services & Aging.  
**SB 415**, introduced by Grosfield, referred to Committee on Appropriations.  
**SJR 14**, introduced by Jacobson, referred to Committee on Select Health Care.



HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - FEBRUARY 27, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m, Tuesday, February 28, 1995. Motion carried.

House adjourned at 4:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 28, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Royal C. Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Molnar, Wyatt, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-fourth, forty-fifth and forty-sixth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 2/28/95  
Correctly printed for second reading: HB 4, HB 226, HB 305.

**APPROPRIATIONS** (Zook, Chairman): 2/28/95  
**HB 4**, introduced bill, be amended as follows:

1. Page 1, lines 7 and 8.  
Strike: "YEARS" on line 7  
Insert: "YEAR"  
Following: "1996" on line 8  
Strike: "AND 1997"

2. Page 2  
Strike: lines 4, 5, 9, 10 and 11 in their entirety.

3. Page 2, line 6.  
Following: line 5  
Insert:

"One-Stop Career Center SYS	1995	199,780	Federal Special
TAA Additional Authority	1995	1,170,288	Federal Special"

4. Page 2, line 12.  
Following: "year"  
Insert: "1994 and fiscal year"

5. Page 2, line 12.  
Following: "the"  
Insert: "one-stop career center SYS, TAA additional authority,"

6. Page 2, line 18.  
Strike: "200,000"  
Insert: "600,000"



HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

7. Page 2, line 25.

Following: line 24

Insert:

"DEPARTMENT OF LIVESTOCK"

Predator Control

1995

60,000

State Special

All remaining fiscal year 1995 state special budget amendment authority for predator control is authorized to continue into fiscal year 1996."

8. Page 3, line 9.

Strike: "years"

Insert: "year"

Following: "1996"

Strike: "and 1997"

9. Page 3, line 18.

Following: line 17

Strike: line 18 in its entirety

10. Page 3, line 19.

Strike: "1996"

Insert: "1995"

11. Page 3, line 20.

Following: line 19

Strike: line 20 in its entirety

12. Page 3, line 21.

Strike: "1996"

Insert: "1995"

13. Page 3, lines 23 and 24.

Strike: "years" on line 23

Insert: "year"

Following: "1996"

Strike: "and 1997"

14. Page 3, line 28.

Strike: "years"

Insert: "year"

Strike: "and 1997"

15. Page 4, line 1.

Following: "Reads"

Strike: "1996"

Insert: "1995"

16. Page 4, line 2.

Following: line 1

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

Insert: "All remaining fiscal year 1995 federal budget amendment authority for the literacy-Montana reads program is authorized to continue into fiscal year 1996."

17. Page 4, line 6.

Following: line 5

Insert: "Corrections Program

Ind. Complex	1995	300,000	Proprietary"
--------------	------	---------	--------------

18. Page 4, line 7.

Following: line 6

Insert: "Assess Studies	1995	148,914	Federal Special
-------------------------	------	---------	-----------------

ADAD Communities	1995	165,000	Federal Special"
------------------	------	---------	------------------

19. Page 4, line 11.

Strike: "690,000"

Insert: "988,164"

20. Page 4, line 19.

Following: line 18

Insert:

"MONTANA SCHOOL FOR THE DEAF AND BLIND

Education

IDEA Pt B Grant	1995	40,154	Federal Special
-----------------	------	--------	-----------------

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION

School to Work Grant	1995	177,777	Federal Special
----------------------	------	---------	-----------------

UNIVERSITY OF MONTANA - MISSOULA

Additional Tuition	1995	906,623	Other
--------------------	------	---------	-------

COLLEGE OF TECHNOLOGY, UNIVERSITY OF MONTANA - MISSOULA

Additional Tuition	1995	25,000	Other
--------------------	------	--------	-------

WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA

Additional Tuition	1995	8,141	Other
--------------------	------	-------	-------

MONTANA STATE UNIVERSITY - BOZEMAN

Additional Tuition	1995	1,250,000	Other
--------------------	------	-----------	-------

MONTANA STATE UNIVERSITY - BILLINGS

Additional Tuition	1995	123,000	Other
--------------------	------	---------	-------

COLLEGE OF TECHNOLOGY, MONTANA STATE UNIVERSITY - GREAT FALLS

Additional Tuition	1995	90,000	Other
--------------------	------	--------	-------

AGRICULTURAL EXPERIMENT STATION

Additional Hatch Funds	1995	15,558	Federal Special"
------------------------	------	--------	------------------

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

And, as amended, do pass. Report adopted.

**HB 226**, introduced bill, be amended as follows:

1. Page 1, lines 12 and 13.

Strike: "There is a department of corrections and human services account in the federal special revenue fund."

2. Page 1, line 14.

Following: "deposited in"

Strike: "the"

Insert: "an"

Following: "account"

Insert: "in the federal special revenue fund"

3. Page 1, line 15.

Following: "Money"

Insert: "from federal forfeiture funds deposited"

And, as amended, do pass. Report adopted.

**HB 305**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "OF"

Strike: "AN INTERENTITY"

Insert: "A"

2. Title, line 6.

Following: "JUSTICE"

Strike: "FROM THE GENERAL FUND"

3. Page 1, line 15.

Following: "from the"

Strike: "general"

Insert: "coal severance tax permanent"

4. Page 1, line 16.

Strike: "an interentity"

Insert: "a"

5. Page 2, line 3.

Following: "were"

Insert: "or are"

6. Page 2, lines 3 and 4.

Following: "fund"

Strike: "or are transferred from the general fund"



HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

7. Page 2, line 5.

Following: "section"

Insert: "and the transfer of the program from the department of health and environmental sciences to the department of justice. All obligations of the department of health and environmental sciences referenced in Chapter 354, Laws of 1993, and not completed by the time of transfer of the program to the department of justice must be transferred to the department of justice"

8. Page 2, line 6.

Insert:

"New Section. Section 4. Loan contract. In order to make the loan authorized in [section 1] and extend the previous loans authorized in Chapter 354, Laws of 1993, the board of investments shall enter into a revised contract with the department of justice pledging the amount recovered in the litigation to the repayment of the loans to the full extent allowable under the law. The contract must provide that loan repayments must be deposited in the coal severance tax permanent fund. To the extent possible, the board shall make the loan from the portion of the coal severance tax permanent fund invested in the short-term pool. The loan authorized in [section 1] may not be made until the contract required by this section has become effective.

New Section. Section 5. Three-fourths vote. Because [section 1] appropriates money from the coal severance tax permanent fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house of the legislature for passage."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 24** - Representative Cobb moved SB 24, second reading copy, be amended as follows (amendment #1):

1. Page 2, lines 2 and 3.

Following: "." on line 2

Strike: remainder of line 2 through "elector, the" on line 3

Insert: "The"

2. Page 2, line 4.

Following: "IF"

Insert: ": (a) a statewide ballot issue appears on the ballot mailed to the elector;  
(b)"

3. Page 2, line 5.

Following: "ELECTION"

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

Insert: " ;"  
Strike: "IF"  
Insert: "(c)"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel.

Total 1

Excused: Molnar, Wyatt.

Total 2

Absent or not voting: DeBruycker, Feland, Green, Simon.

Total 4

Representative Denny moved SB 24, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

**SB 25** - Representative J. Johnson moved SB 25 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Arnott, Barnett, Bergman, Bergsagel, Boharski, DeBruycker, Denny, Fuchs, M. Hanson, Heavy Runner, Jore, Keenan, McGee, Rehbein, Sliter, S. Smith, Somerville, Story, Taylor, Trexler, Tropila, Vick, Wagner.

Total 23

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

**SB 44** - Representative Ohs moved SB 44 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott, Boharski, Fisher, McGee.

Total 4

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: Bohlinger.

Total 1

**SB 48** - Representative Knox moved SB 48 be concurred in. Motion carried as follows:



HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Boharski, Brainard, Cobb, DeBruycker, Denny, Heavy Runner, R. Johnson, Jore, Keenan, McGee, Peck, Simpkins, S. Smith, Soft, Wagner.

Total 16

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: Harrington, Ohs.

Total 2

**SB 49** - Representative Anderson moved SB 49 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Clark, Denny, R. Johnson, Peck.

Total 5

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: Grinde.

Total 1

**SB 94** - Representative Devaney moved consideration of SB 94 be passed for the day. Motion carried.

**SB 139** - Representative Hibbard moved consideration of SB 139 be passed for the day. Motion carried.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

**SJR 5** - Representative Ohs moved SJR 5 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Feland, Forbes, Galvin, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 65

Noes: Arnott, Barnett, Bergman, Bergsagel, Brainard, Clark, DeBruycker, Denny, Ellis, Ewer, Fisher, Fuchs, Grady, Green, Grinde, Heavy Runner, Jore, Kasten, Keenan, Kottel, McGee, Murdock, Peck, Rehbein, Sliter, S. Smith, Somerville, Story, Trexler, Vick, Wagner, Wells, Wennemar.

Total 33

Voted Absentee: Wyatt, Aye.

Excused: Molnar.

Total 1

Absent or not voting: Boharski.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved that the Committee of the Whole report be adopted. Report adopted. (89-5)

**MOTIONS**

**HB 574** - Representative Hibbard moved HB 574 be taken from the Committee on Taxation and rereferred to the Committee on Business & Labor. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Representative Cocchiarella read the following letter:

Whereas, Volunteers in Service to America (VISTA) is a full-time, year-long volunteer program for men and women who commit themselves to increasing the capability of low-income, at risk populations to improve the conditions of their own lives.

Whereas, Volunteers live among the poor, serving in urban and rural areas.,

Whereas, Volunteers share their skills and experience in fields such as: abuse prevention, literacy, health, employment training, food distribution, shelter for the homeless, and neighborhood revitalization.

Whereas, VISTA is celebrating its THIRTIETH year of service to America.

Whereas, Over 1,200 volunteers have been getting things done in Montana for the last THIRTY years and continue

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 28, 1995

to get things done.

Therefore, let it be known that on this twenty-eighth day of February, 1995, we honor the spirit of VISTA and its volunteers who have contributed to the well-being of Montana and its citizens by stating our appreciation and by reading this proclamation before the fifty-fourth legislative session of this great state of Montana.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, March 1, 1995. Motion carried.

House adjourned at 1:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 1, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Robert R. Story

Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Molnar, L. Smith, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-seventh legislative day, find the same to be correct.

Hayne, Chairman

**COMMUNICATIONS AND PETITIONS**

March 1, 1995

Dear Members of the House and Senate,

There is hereby created a Joint Select Committee on Ethics which shall consider pending ethics legislation and make recommendations to the House and Senate.

The members of the Select Committee are as follows:

Senator John Harp, Chairman  
Representative Ray Peck, Vice Chairman  
Senator Linda Nelson  
Senator Fred Van Valkenburg  
Senator Al Bishop  
Representative Vicki Cocchiarella  
Representative Matt Denny  
Representative Rose Forbes

Sincerely,

Bob Brown - President of the Senate  
John A. Mercer - Speaker of the House

March 1, 1995

Dear Members of the House and Senate,

There is hereby created a Joint Select Committee on Health Care which shall consider pending health care legislation and make recommendations to the House and Senate.

The members of the Select Committee are as follows:

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Senator Steve Benedict, Chairman  
Representative Scott Orr, Vice Chairman  
Senator Judy Jacobson  
Senator Ken Miller  
Senator Dorothy Eck  
Senator Mike Foster  
Representative Carley Tuss  
Representative Bruce Simon  
Representative Carolyn Squires  
Representative Duane Grimes

Sincerely,

Bob Brown - President of the Senate  
John A. Mercer - Speaker of the House

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/1/95

Correctly printed for second reading: HB 418, HB 490, HB 550.

Correctly enrolled: HB 96, HB 114.

Examined by the sponsor and found to be correct: HB 96, HB 114.

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):

2/28/95

**SB 319**, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/28/95

**HB 490**, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "months"

Insert: "and who have waived benefits under the provisions of [House Bill No. 106]"

2. Page 2, line 26.

Following: "level"

Insert: "or higher"

3. Page 3, line 4.

Strike: "4"

Insert: "6"

4. Page 3, line 22.

Page 5, line 13.

Following: "(b)"

Strike: "(i)"

Following: "of"

Insert: "elimination of the employee's position as a result of privatization, reorganization of an agency, closure of  
or"

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Following: "force"

Insert: "at an agency, or other actions by the legislature"

5. Page 3, lines 23 through 26.

Page 5, lines 14 through 17.

Following: ";" on page 3, line 23 and page 5, line 14

Strike: remainder of line 23 and line 14 through "agencies;" on lines 26 and line 17

6. Page 5, line 6.

Following: "of"

Insert: "elimination of the employee's position as a result of privatization, reorganization of an agency, closure of  
or"

Following: "force"

Insert: "at an agency, or other actions by the legislature"

And, as amended, do pass. Report adopted.

**SB 171**, be amended as follows:

1. Page 6, line 6.

Following: "examination."

Insert: "A person who fails the third examination is required to successfully complete additional education as  
required by the board before retaking the examination."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

2/28/95

**HB 96**, introduced by Larson

**HB 114**, introduced by Ahner

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/28/95

**HB 99**, introduced by Fuchs

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 577**, introduced by Kadas, Zook, referred to Committee on Appropriations.

**HB 578**, introduced by R. Johnson, Barnhart, L. Smith, Toews, Keating, Eck, referred to Committee on  
Appropriations.



HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Soft in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representatives Bohlinger and Masolo excused at this time.

**SB 94** - Representative Devaney moved SB 94, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Strike: "13-15-403"

Insert: "13-15-202"

2. Page 2, line 29 through page 3, line 12.

Strike: Section 3 in its entirety

Insert:

"Section 3. Section 13-15-202, MCA, is amended to read:

"13-15-202. Counting votes cast -- pollbook. (1) (a) When the procedures required by 13-15-201 are completed, the election judges shall count and determine the votes cast for each individual, except as provided in subsection (1)(b).

(b) The judges may not count or record write-in votes for candidates who have not filed a declaration of intent as provided in 13-10-211, except for write-in votes cast:

(i) for the office of precinct committeeman or committeewoman in a primary election;

(ii) for an office for which no candidate has filed a declaration or petition for nomination or a declaration of intent; or

(iii) on a federal write-in absentee ballot as provided in 13-13-273.

(2) In counting, the ballots shall be opened singly by one of the election judges and the contents read aloud to the other judges.

(3) A ballot or part of a ballot is void and ~~shall~~ may not be counted if the elector's choice cannot be determined. If part of a ballot is sufficiently plain to determine the elector's intention, the election judges shall count that part. Except as provided in 13-10-211(4), a write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed pursuant to 13-10-211(1)(a).

(4) As the ballots are read, two judges must write on a tally sheet the name of every individual and the office voted for and keep tallies of the number of votes for each individual, except as provided in subsection (1)(b).

(5) The tally sheets shall be compared and their correctness ascertained, and the judges shall immediately write in the pollbook:

(a) the names of all individuals who received votes;

(b) the offices for which they received votes;

(c) total votes received by each individual as shown by the tally sheets.

(6) In making the count in precincts where voting machines are used, the votes cast by absentee ballot shall be added to the votes cast on the voting machines.

(7) A ballot or vote rejected by the election judges may not be included in the count.""

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Ellis.

Total 1

Excused: Bohlinger, Masolo, Molnar, L. Smith.

Total 4

Absent or not voting: Sliter, Soft.

Total 2

Representative Devaney moved SB 94, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: Bohlinger, Masolo.

Total 2

Absent or not voting: Soft.

Total 1

SB 139 - Representative Hibbard moved SB 139, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "MONTANA;"

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Insert: "EXCLUDING PAYMENTS FROM A MULTIPLE EMPLOYER WELFARE ARRANGEMENT FROM THE DEFINITION OF WAGES;"

2. Page 3, line 17.

Following: line 16

Insert: "(d) as payments from a multiple employer welfare arrangement, as defined in 29 U.S.C. 1002, to a qualified individual employer;"

Renumber: subsequent subsections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Bohlinger, Masolo, Molnar, L. Smith.

Total 4

Absent or not voting: Soft.

Total 1

Representatives Bohlinger and Masolo present at this time.

Representative Hibbard moved SB 139, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Voted Absentee: Molnar, L. Smith, Ayes.



HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 11** - Representative Bergsagel moved HB 11 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker, S. Smith.  
Total 2

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: Jore.  
Total 1

**HB 226** - Representative Vick moved HB 226 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Barnett, Carey, Cocchiarella, Elliott, Ewer, Feland, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kadas, Keenan, Menahan, Peck, Raney, Ream, Rehbein, Schwinden, Shea, Squires, Trexler, Tuss, Wennemar, Wyatt.  
Total 26

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Absent or not voting: None.

Total 0

**HB 305** - Representative Kasten moved HB 305, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Strike: "AND OTHER POTENTIAL SITES"

2. Page 1, lines 21 through 23.

Strike: Subsection (2) in its entirety

Renumber: subsequent subsection

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Hurdle.

Total 1

Excused: Molnar, L. Smith.

Total 2

Absent or not voting: Knox, Soft.

Total 2

Representative Kadas moved HB 305, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Feland, Green, Grimes, Jore, Rehbein.

Total 6

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**HB 24** - Representative Menahan moved Senate Amendments to HB 24 be concurred in. Motion failed as follows:

Ayes: Barnett, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, M. Hanson, Harper, Harrington, Herron, J. Johnson, Kadas, Kottel, Larson, Masolo, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, S. Smith, Squires, Stovall, Swanson, Tropila, Wennemar, Wyatt, Zook.

Total 42

Noes: Ahner, Anderson, Barnhart, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, McGee, McKee, Mills, Murdock, Nelson, Ohs, Rehbein, Rose, Simon, Simpkins, Soft, Somerville, Story, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 53

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Arnott, Fisher, Grady, McCann, Sliter.

Total 5

**HB 31** - Representative Ewer moved Senate Amendments to HB 31 be concurred in. Motion carried as follows:

Ayes: Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Ahner, Anderson, Boharski, DeBruycker, Green, Hurdle, Jore, Kasten, Rehbein, Simon, S. Smith, Squires, Taylor, Wagner.

Total 14

Voted Absentee: Molnar, L. Smith, Ayes.



HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Excused: None.  
Total 0

Absent or not voting: Arnott, Bergsagel, Fisher, Grady, Keenan, Ohs.  
Total 6

**HB 47** - Representative Larson moved Senate Amendments to HB 47 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: L. Smith.  
Total 1

Voted Absentee: Molnar, Aye; L. Smith, No.

Excused: None.  
Total 0

Absent or not voting: Arnott, Barnhart, Fisher, Grady.  
Total 4

**HB 91** - Representative M. Hanson moved Senate Amendments to HB 91 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, Jore, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Zook, Mr. Speaker.  
Total 64

Noes: Barnhart, Bergsagel, Boharski, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Fuchs, Harper, Heavy Runner, J. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, McCulloch, Menahan, Ohs, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Squires, Swanson, Tuss, Wiseman, Wyatt.  
Total 32

Voted Absentee: Molnar, L. Smith, Ayes.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Excused: None.

Total 0

Absent or not voting: Arnott, Fisher, Grady, R. Johnson.

Total 4

**HB 119** - Representative Quilici moved Senate Amendments to HB 119 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Boharski, Brainard, Curtiss, DeBruycker, Denny, Ellingson, Fisher, Jore, Kitzenberg, Peck, Raney, Ryan, S. Smith.

Total 13

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Johnson.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Soft moved that the Committee of the Whole report be adopted. Report adopted. (91-5)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 25** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Total 79

Noes: Barnett, Bergman, Boharski, Curtiss, DeBruycker, Denny, Fuchs, M. Hanson, Jore, Keenan, McGee, Rehbein, Sliter, S. Smith, Somerville, Story, Taylor, Tropila, Vick, Wagner.

Total 20

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**SB 44** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Boharski, Fisher, Jore, Kasten, Keenan, McGee.

Total 7

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 48** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 79



HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Noes: Arnott, Barnhart, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Hayne, Heavy Runner, R. Johnson, Jore, Keenan, Peck, Raney, Simpkins, S. Smith, Soft, Tuss, Wagner, Wyatt.

Total 20

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**SB 49** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Böhlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Barnhart, Bergsagel, Boharski, Clark, R. Johnson, Keenan, Peck, Raney, Tuss.

Total 9

Voted Absentee: Molnar, L. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**SJR 5** concurred in as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Böhlinger, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Feland, Forbes, Fuchs, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Arnott, Barnett, Bergsagel, Brainard, Clark, DeBruycker, Denny, Ellis, Ewer, Fisher, Grady, Green, Heavy Runner, Jore, Kasten, Keenan, Kottel, McGee, Molnar, Murdock, Nelson, Peck, Rehbein, Sliter, S. Smith, Somerville, Story, Trexler, Vick, Wagner, Wells, Wennemar.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

Total 32

Voted Absentee: L. Smith, Aye; Molnar, No.

Excused: None.

Total 0

Absent or not voting: Boharski, Grimes.

Total 2

**REPORTS OF STANDING COMMITTEES**

FISH & GAME (Wagner, Chairman):

3/1/95

**SB 269**, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/1/95

**SB 59**, be amended as follows:

1. Page 1, line 21.

Following: "subpoena."

Insert: "The time and place may be modified by mutual written agreement of the parties or by an amended subpoena issued by the clerk of the court."

And, as amended, be concurred in. Report adopted.

**SB 69**, be concurred in. Report adopted.

**SB 165**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/1/95

**HB 418**, introduced bill, be amended as follows:

1. Page 2, line 2.

Insert: "**NEW SECTION.** Section 2. Coordination instruction. If Senate Bill No. 412 is passed and approved, then Senate Bill No. 412 is further amended as follows:

(1) The section imposing tax rates, [section 4] of Senate Bill No. 412, must be amended by adding 0.1% to all tax rates for oil and natural gas, for both the working interest and nonworking interest. The 0.1% increase is in addition to all other changes to those rates resulting from bills other than [this act].

(2) The department of revenue shall, by rule, change the formula under [section 18] of Senate Bill No. 412 for distribution of taxes collected under [section 4] of Senate Bill No. 412. In recalculating distribution rates for the revenue raised by Senate Bill No. 412, the department of revenue shall determine the revised rate according to a formula that distributes an amount equal to that raised by the 0.1% increase provided for in subsection (1) for expenses of the board of oil and gas conservation as provided in 82-11-135."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 550**, introduced bill, do pass. Report adopted.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 1, 1995

**MOTIONS**

**SB 48** - Representative Squires moved she be allowed to change her vote on SB 48, third reading, from nay to aye. Motion carried.

**HB 490** - Representative Grinde moved HB 490 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 24** - Representative Menahan that HB 24 be sent to a conference committee.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 2, 1995. Motion carried.

House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 2, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Joe Tropila. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

The Belgrade Elementary Choir, directed by Roxanne Falk, presented a selection of songs for the House.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

3/2/95

Correctly printed for second reading: HB 524, HB 534, HB 561, HB 567, HB 572.

Correctly engrossed for third reading: HB 11, HB 226, HB 305.

Correctly enrolled: HB 48, HB 138, HB 152, HB 170.

Examined by the sponsor and found to be correct: HB 48, HB 138, HB 152, HB 170.

Signed by the Speaker at 8:30 a.m., 3/2/95: HB 96, HB 114.

**BUSINESS & LABOR** (Simon, Chairman):

3/1/95

**HB 567**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Strike: "PROVIDING THAT ADMINISTRATIVE FEES MAY NOT BE CHARGED TO THE QUALIFIED MONTANA SMALL BUSINESS INVESTMENT CAPITAL COMPANY;"

2. Title, line 10.

Following: "CREDITS;"

Strike: "ELIMINATING"

Insert: "CLARIFYING"

3. Title, line 16.

Strike: "90-8-106,"

4. Page 3, line 26 through page 4, line 1.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 8, line 1.

Strike: "No recapture"

Insert: "Recapture provisions"

Following: "(1)"

Insert: "(a)"

6. Page 8, following line 5.

Insert: "(b) If the amount invested by a taxpayer in the qualified Montana small business investment capital company is not used by the company for qualified investments as provided in 90-8-301, the taxpayer is subject to a recapture provision for any tax credit claimed by the taxpayer in accordance with provisions adopted by

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

the department of revenue."

7. Page 10, line 3.

Following: " ; "

Strike: "and"

Insert: "or"

8. Page 10, line 16.

Following: "makes"

Strike: "an"

Insert: "its first"

9. Page 12, line 25.

Strike: "or"

10. Page 12, lines 27 and 28.

Following: "administration"

Insert: " ; or (c) requests decertification"

And, as amended, do pass. Report adopted.

**SB 239**, be amended as follows:

1. Page 1, line 12.

Strike: "generally available"

2. Page 1, line 13.

Following: "weeks."

Insert: "However, if the brand of beer for which the wholesaler is appointed is a product of a brewer or beer importer whose products are not generally available, the wholesaler shall, at least every 3 weeks, call on and offer that brand to as many retailers within that territory as is reasonably possible given the amount of that brand that is available to the wholesaler."

3. Page 1, lines 18 and 19.

Following: "section," on line 18

Strike: the remainder of line 18 through "year," on line 19

Insert: "a brewer or beer importer's products are not generally available if:

- (a) all of the brands of a brewer or beer importer shipped to a wholesaler during the most recent calendar quarter total less than 600 barrels;
- (b) all of the brands of a brewer or beer importer shipped into the state total less than 1,200 barrels in each of the 2 consecutive preceding calendar quarters; and
- (c) all of the brands produced by the brewer at all of its facilities total less than 150,000 barrels per year."

And, as amended, be concurred in. Report adopted.

**SB 327**, be concurred in. Report adopted.



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

STATE ADMINISTRATION (Simpkins, Chairman):  
**SB 284**, be concurred in. Report adopted.

2/2/95

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

2/1/95

**HB 48**, introduced by Larson  
**HB 138**, introduced by M. Hanson  
**HB 152**, introduced by Cocchiarella  
**HB 170**, introduced by Rose

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 2/1/95

**HB 151**, introduced by Peck  
**HB 163**, introduced by Kasten  
**HJR 1**, introduced by Pavlovich

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Denny in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 4** - Representative Zook moved HB 4, second reading copy, be amended as follows (amendment #1):

1. Page 2.

Following: line 3

Insert: "Nontrad Occup Grant      1995      218,604      Federal Special"

2. Page 2, line 9.

Following: "Unemployment Insurance Division"

Insert: "Labor Cert-Non Ag      1995      47,500      Federal Special"

3. Page 2, line 16.

Following: "system,"

Insert: "nontrad occup grant, labor cert-non ag,"

4. Page 2, line 16.

Following: "1996."

Insert: "All remaining fiscal year 1994 and fiscal year 1995 state special budget amendment authority for the champion displaced workers and the match for onsite grant is authorized to continue into fiscal year 1996."

5. Page 3.

Following: line 17

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

Insert: "Forensic Science Division  
Forensic Science Equipment 1995 13,755 Federal Special"

6. Page 4, line 1.  
Following: "exchange"  
Strike: ", "  
Insert: "and"

7. Page 4, line 2.  
Following: "92/93"  
Strike: ", " through "apprenticeship"

8. Page 4.  
Following: line 14  
Insert: "Museum Program  
IMS-BA-Art Storage 1995 25,000 Federal Special"

9. Page 4, line 16.  
Following: "1996."  
Insert: "All remaining fiscal year 1995 proprietary budget amendment authority for the photographs enterprise program is authorized to continue into fiscal year 1996."

10. Page 4.  
Following: line 25  
Insert: "Army National Guard  
GuardCare Program 1995 50,000 Federal Special"

11. Page 4.  
Following: line 29  
Insert: "Disaster Coordination Response  
DES Conference 1995 10,000 State Special"

Representative Elliott moved consideration of HB 4 be placed at the bottom of the second reading board. Motion carried.

**HB 550** - Representative Kasten moved HB 550 do pass.

Representative Ryan moved HB 550, second reading copy, be amended as follows (amendment #1):

1. Page 17, line 29.  
Strike: "(1)(a)"  
Strike: "\$68,750"  
Insert: "\$250,000"

2. Page 18, lines 2 through 11.  
Strike: lines 2 through 11 in their entirety

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

Amendment #1 passed as follows:

Ayes: Arnott, Barnhart, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McGee, Menahan, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt.  
Total 59

Noes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, Devaney, Feland, Fisher, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Kasten, Keenan, Marshall, Martinez, Masolo, McKee, Mills, Orr, Rehbein, Rose, Sliter, S. Smith, Somerville, Story, Tash, Taylor, Wiseman, Zook, Mr. Speaker.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Kasten moved HB 550, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Barnett, DeBruycker, Fuchs, Hurdle, R. Johnson, Jore, McGee, Murdock, Trexler, Vick.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Grimes.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Denny moved that the Committee of the Whole report be adopted. Report adopted. (92-6)



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 11** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Jore, S. Smith.

Total 3

Excused: None.

Total 0

Absent or not voting: Cobb, Curtiss, Mills, Sliter.

Total 4

**HB 226** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Hagener, Harper, Heavy Runner, Hurdle, Jore, Kadas, Keenan, Menahan, Peck, Raney, Ream, Rehbein, Schwinden, Swanson, Tuss, Wennemar, Wyatt.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

**HB 31** - Senate amendments, concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Anderson, Barnhart, DeBruycker, Green, Hurdle, Jore, McCulloch, Rehbein, Taylor, Trexler, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 47** - Senate amendments, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, DeBruycker, Harper, L. Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**HB 91** - Senate amendments, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McKee, Menahan, Mills, Molnar, Murdock,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

Nelson, Ohs, Orr, Quilici, Raney, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Barnhart, Boharski, Carey, Ellingson, Ewer, Forbes, Harper, Heavy Runner, Hurdle, J. Johnson, Kadas, Kasten, Kottel, Larson, McCulloch, McGee, Pavlovich, Peck, Ream, Ryan, Schwinden, S. Smith, Tuss, Wiseman.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Squires, Trexler.  
Total 2

**HB 119** - Senate amendments, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, Brainard, Curtiss, DeBruycker, Denny, Jore, McGee, S. Smith, Vick.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Ellingson.  
Total 1

**SB 24** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

HUMAN SERVICES & AGING (Grimes, Chairman): 2/2/95  
SB 55, be concurred in. Report adopted.

SB 120, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/2/95  
SB 105, be amended as follows:

1. Title, line 5.  
Strike: "ONE-HALF"  
Insert: "A MAJORITY"

2. Page 2, line 20.  
Strike: "ONE-HALF"  
Insert: "a majority"

3. Page 4.  
Following: line 3  
Insert:

"NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 398 is passed and approved and if it amends 2-4-306 in a manner that strikes references to the administrative code committee and inserts references to the legislative council, then references to the administrative code committee in [section 1(8) of this act], amending 2-4-305, and [section 2(3) and (4) of this act], amending 2-4-306, must be changed to references to the legislative council."  
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 148, be concurred in. Report adopted.

SB 202, be concurred in. Report adopted.

SB 220, be amended as follows:

1. Page 6.  
Following: line 13  
Insert:

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

"NEW SECTION. Section 12. Coordination instruction. If Senate Bill No. 249 is passed and approved and if it includes a section amending 3-2-402 in a manner that eliminates the reference to the clerk of the supreme court and replaces the reference with a reference to the supreme court administrator, then the reference to the clerk of the supreme court in [section 3(2) of this act], amending 3-2-402, must be changed to refer to the supreme court administrator."

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

2/2/95

**HB 524**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "COMMUNITY;"

Insert: "PROVIDING A CONTINGENT AMENDMENT TO AUTHORIZE TAXATION OF LIQUOR SALES  
FROM AGENCY LIQUOR STORES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-6-4461"

Insert: "AND 7-6-4463"

2. Title, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 3.

Strike: "a major"

Insert: "the primary"

Following: "or"

Insert: "the"

4. Page 2, line 7.

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 574 is passed and approved, then 7-6-4463 is amended to read:

"7-6-4463. Limit on resort tax rate -- goods and services subject to tax. (1) The rate of the resort tax must be established by the election petition or resolution provided for in 7-6-4464, but the rate may not exceed 3%.

(2) (a) The resort tax is a tax on the retail value of all goods and services sold within the resort community or area by the following establishments:

(i) hotels, motels, and other lodging or camping facilities;

(ii) restaurants, fast food stores, and other food service establishments;

(iii) taverns, bars, night clubs, lounges, agency liquor stores, and other public establishments that ~~serve~~ sell beer, wine, liquor, or other alcoholic beverages ~~by the drink~~; and

(iv) destination ski resorts and other destination recreational facilities.

(b) Establishments that sell luxuries ~~must~~ shall collect a tax on such luxuries."

Renumber: subsequent section

5. Page 2, line 8.

Strike: "date"

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

Insert: "dates"

Strike: "[This act] is"

Insert: "(1) [Section 1] and this section are"

6. Page 2, line 9.

Insert: "(2) [Section 2] is effective July 1, 1995."

And, as amended, do pass. Report adopted.

**HB 534**, introduced bill, do pass. Report adopted.

**HB 561**, introduced bill, do pass. Report adopted.

**HB 572**, introduced bill, do pass. Report adopted.

**SB 56**, be amended as follows:

1. Title, line 5.

Following: the second "ACT"

Insert: "SHORTENING THE EXTENSION OF TIME FOR FILING AN INCOME TAX RETURN FROM 6 MONTHS TO 4 MONTHS; CLARIFYING THE INFORMATION THAT MUST BE CONTAINED IN A WRITTEN APPLICATION FOR EXTENSION;"

2. Title, line 9.

Following: "**CIRCUMSTANCES**;"

Insert: "PROVIDING FOR AN ADDITIONAL 2-MONTH EXTENSION UNDER CERTAIN CIRCUMSTANCES;"

3. Page 1, line 26.

Strike: "6-MONTH"

Insert: "4-month"

4. Page 1, line 30 through page 2, line 1.

Following: "FORMS" on page 1, line 30

Strike: " AND "

Insert: ". If the application is made in writing, it must include substantially the same information as is required on the department's forms."

5. Page 2.

Following: line 8

Insert: "(3) Before the expiration date of the automatic 4-month extension, an applicant may request in writing an additional 2-month extension of time for filing a return. The department may, in its discretion, grant the request upon a showing of good cause by the applicant, provided that the applicant has satisfied the requirements of subsection (2)(b)."

And, as amended, be concurred in. Report adopted.



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 2, 1995

**MOTIONS**

**HB 550** - Representative Hibbard moved HB 550 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**SB 55** - Representative Grimes moved SB 55 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 3, 1995. Motion carried.

House adjourned at 2:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY**

Helena, Montana  
March 3, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Joe Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives McCann, Ryan, Story, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

The Meister Singers from Billings West High School presented three song to the House.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/3/95

Correctly engrossed for third reading: HB 550.

Correctly enrolled: HB 31, HB 47, HB 91, HB 119.

Examined by the sponsor and found to be correct: HB 31, HB 47, HB 91, HB 119.

Signed by the Speaker at 6:43 p.m., 3/2/95: HB 48, HB 138, HB 152, HB 170.

Delivered to the Governor for his approval at 8:30 a.m., 3/3/95: HB 96, HB 114.

**MESSAGES FROM THE SENATE**

**HB 229**, introduced by H. Hanson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, read three several times, concurred in as amended, and returned to the House on 3/2/95 with the following votes, and also for concurrence in the Senate Amendments with the following vote:

YEAS - 29

NAYS - 21

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 571**, referred to Committee on Ethics.

**HB 579**, introduced by Wennemar, referred to Committee on Appropriations.

**HB 580**, introduced by Ohs, referred to Committee on Appropriations.

**HB 581**, introduced by Forbes, referred to Committee on Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:





HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Following: "exchange"

Strike: ", "

Insert: "and"

7. Page 4, line 2.

Following: "92/93"

Strike: ", " through "apprenticeship"

8. Page 4.

Following: line 14

Insert: "Museum Program

IMS-BA-Art Storage      1995      25,000      Federal Special"

9. Page 4, line 16.

Following: "1996."

Insert: "All remaining fiscal year 1995 proprietary budget amendment authority for the photographs enterprise program is authorized to continue into fiscal year 1996."

10. Page 4.

Following: line 25

Insert: "Army National Guard

GuardCare Program      1995      50,000      Federal Special"

11. Page 4.

Following: line 29

Insert: "Disaster Coordination Response

DES Conference      1995      10,000      State Special"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Jore, Rehbein.

Total 2

Excused: McCann, Ryan, Story.

Total 3

Absent or not voting: Bohlinger.

Total 1

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Representative Zook moved HB 4, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Brainard, DeBruycker, Denny, Jore, Martinez, Rehbein, S. Smith.

Total 8

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 69** - Representative Ahner moved SB 69 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Boharski, Brainard.

Total 2

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 165** - Representative McGee moved SB 165 be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 171** - Representative Bohlinger moved SB 171 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergman, Boharski, Jore, Murdock.  
Total 4

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 269** - Representative Fuchs moved SB 269 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs,



HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Brainard, Clark, Jore, Keenan, Murdock, Vick.  
Total 6

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 319** - Representative Rose moved SB 319 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: Devaney, Ewer.  
Total 2

**HB 99** - Representative Fuchs moved Senate amendments to HB 99 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel,

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Arnott, Denny, Green, Jore, Murdock, S. Smith.  
Total 6

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 59** - Representative Kottel moved SB 59 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 120** - Representative Grinde moved SB 120 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins,

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergman, Jore.

Total 2

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: DeBruycker, Fisher, Tropila.

Total 3

**SB 148** - Representative Simpkins moved SB 148 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 35

Voted Absentee: Story, Aye; McCann, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 239** - Representative Ellingson moved SB 239 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.



HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Total 92

Noes: Arnott, DeBruycker, Hayne, Jore, McGee, Mills, Soft, Vick.

Total 8

Voted Absentee: McCann, Ryan, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (87-7)

**MOTIONS**

**SB 139** - Representative Hibbard moved SB 139 be taken from third reading and put back on second reading for the purpose of a technical amendment. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 305** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Feland, Grimes, Jore, Rehbein, Wagner.

Total 6

Voted Absentee: McCann, Ryan, Ayes.

Excused: Story.

Total 1

Absent or not voting: Ellis.

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Total 1

**SB 94** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: McCann, Ryan, Ayes.

Excused: Story.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman):  
**SB 177**, be concurred in. Report adopted.

3/3/95

**SB 216**, be concurred in. Report adopted.

**SB 238**, be concurred in. Report adopted.

**FISH & GAME** (Wagner, Chairman):  
**SB 259**, be amended as follows:

3/3/95

1. Title, line 4.

Strike: "A SPECIAL 2-DAY"

2. Title, line 5.

Following: "HUNTING"

Strike: "SEASON"

3. Title, line 6.

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

4. Page 5, line 2.

Strike: "the first 2 days of"

5. Page 5, line 4.

Strike: "March 1, 1996"

Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

**SB 285**, be concurred in. Report adopted.

**SB 304**, be amended as follows:

1. Page 2, line 12.

Following: "permit"

Insert: ", except that a permittee who is a representative of an accredited school, college, university, or other institution of learning or of any governmental agency is exempt from payment of the fee"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

3/3/95

**SB 58**, be concurred in. Report adopted.

**SB 60**, be concurred in. Report adopted.

**SB 254**, be concurred in. Report adopted.

**SB 299**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/3/95

**SB 235**, be concurred in. Report adopted.

**MOTIONS**

**SB 370** - Representative Keenan moved that he be removed as a sponsor from SB 370. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Mr. Speaker introduced this week's pages:

Annie Douglass, Livingston

Leesa Halcro, Great Falls

John Johnson, Alberton

Brad Meissner, Lewistown

Brian Ohs, Harrison

Thomas Price, Lewistown



HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 3, 1995

Jody Terrett, Miles City  
Kelly Witt, Sand Springs  
Anni Dupuis, Polson (permanent page)  
Kevin Keane, Butte (permanent page)

Honorary Pages

Amber Toelke, Ronan  
Romalie Murphy, Big Arm

Representative Grinde moved the House adjourn until 10:00 a.m., Saturday, March 4, 1995. Motion carried.

House adjourned at 2:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 4, 1995

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Antoinette R. Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Anderson, Keenan, McCann, Ohs, Story, Taylor, Wiseman, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):** 3/4/95  
Correctly engrossed for third reading: HB 4.  
Correctly enrolled: HB 97, HB 104, HB 146, HB 205, HB 216, HB 243, HB 285, HB 298.  
Signed by the Speaker at 3:30 p.m., 3/3/95: HB 31, HB 47, HB 91, HB 119.  
Delivered to the Governor for his approval at 3:20 p.m., 3/3/95: HB 48, HB 138, HB 152, HB 170.

**BUSINESS & LABOR (Simon, Chairman):** 3/2/95  
**SB 243**, be concurred in. Report adopted.  
  
**SB 275**, be concurred in. Report adopted.  
  
**SB 302**, be concurred in. Report adopted.

**JUDICIARY (Clark, Chairman):** 3/3/95  
**SB 132**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/3/95  
  
**HB 97**, introduced by Menahan  
**HB 104**, introduced by Cobb  
**HB 146**, introduced by McKee  
**HB 205**, introduced by J. Johnson  
**HB 216**, introduced by Cocchiarella  
**HB 243**, introduced by Menahan  
**HB 285**, introduced by Larson  
**HB 298**, introduced by Galvin

House bills not concurred in and returned to the House: 3/3/95  
  
**HB 83**, introduced by Herron  
**HB 177**, introduced by Kottel

Senate bills passed and transmitted to the House for concurrence: 3/3/95  
  
**SB 328**, introduced by Bartlett

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

**SB 408**, introduced by Sprague

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 582**, introduced by Boharski, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 328**, introduced by Bartlett, referred to Committee on Taxation.

**SB 408**, introduced by Sprague, referred to Committee on Business & Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Johnson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 567** - Representative Grinde moved consideration of HB 567 be passed for the day. Motion carried.

**SB 105** - Representative Grinde moved consideration of SB 105 be passed for the day. Motion carried.

**SB 139** - Representative Hibbard moved SB 139, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 19.

Strike: "EMPLOYER"

Insert: "employee"

Amendment #1 passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Wells, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: None.

Total 0



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Excused: Anderson, Keenan, McCann, Ohs, Story, Taylor, Tuss, Wiseman.

Total 8

Absent or not voting: Menahan, Rose, Wennemar.

Total 3

Representative Hibbard moved SB 139, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Peck.

Total 1

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wiseman, Ayes.

Excused: McCann.

Total 1

Absent or not voting: Wennemar.

Total 1

Representative Wennemar excused at this time.

**HB 534** - Representative Harrington moved HB 534 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Boharski, DeBruycker, Devaney, Elliott, Hurdle, Kasten, Rehbein, S. Smith.

Total 10

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Excused: McCann.

Total 1

Absent or not voting: None.

Total 0

**HB 572** - Representative Harrington moved HB 572 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Boharski, Brainard, Denny, Feland, Grinde, Jore, Martinez, Molnar, S. Smith, Vick.

Total 10

Voted Absentee: Anderson, Keenan, C Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.

Total 1

Absent or not voting: Ellis.

Total 1

Representative Feland excused at this time.

**SB 56** - Representative Elliott moved SB 56 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Martinez.

Total 1

Voted Absentee: Anderson, Feland, F n, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Excused: McCann.

Total 1

Absent or not voting: Cocchiarella, Grinde, R. Johnson.

Total 3

**SB 58** - Representative Stovall moved consideration of SB 58 be placed at the bottom of the second reading board. Motion carried.

**SB 60** - Representative Tropila moved SB 60 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, DeBruycker, Green, Grinde, Jore, Kasten, McGee, Molnar, Wagner, Wells.

Total 10

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.

Total 2

Absent or not voting: Stovall.

Total 1

**SB 177** - Representative Ellis moved SB 177 be concurred in.

Representative Ellis moved consideration of SB 177 be placed at the bottom of the second reading board. Motion carried.

**SB 202** - Representative Cobb moved SB 202 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Noes: DeBruycker, Jore.  
Total 2

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.  
Total 2

Absent or not voting: None.  
Total 0

**HB 418** - Representative Devaney moved HB 418 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Boharski, Bohlinger, Carey, Clark, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 68

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Brainard, Cocchiarella, Denny, Fisher, Fuchs, Green, Heavy Runner, Hurdle, Jore, Marshall, Masolo, McGee, Molnar, Murdock, Orr, Ryan, Sliter, L. Smith, Somerville, Stovall, Trexler, Vick, Wagner, Mr. Speaker.  
Total 29

Voted Absentee: Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes; Anderson, No.

Excused: McCann.  
Total 1

Absent or not voting: Cobb, Quilici.  
Total 2

**HB 524** - Representative McKee moved consideration of HB 524 be placed below SB 235 on the second reading board. Motion carried.

**HB 561** - Representative Larson moved HB 561 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCulloch, McGee, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, S. Smith, Soft, Somerville, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 50

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, H.S. Hanson, Hayne, Herron, Holland, Hurdle, Jore,

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Kasten, Keenan, Kitzenberg, Marshall, Masolo, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 49

Voted Absentee: Ohs, Wennemar, Wiseman, Ayes; Anderson, Feland, Keenan, Story, Taylor, Noes.

Excused: McCann.

Total 1

Absent or not voting: None.

Total 0

**SB 216** - Representative Simon moved SB 216 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: DeBruycker, Ewer, Marshall, McGee, Peck, Rose, L. Smith.

Total 7

Voted Absentee: Anderson, Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.

Total 1

Absent or not voting: Grinde.

Total 1

**SB 220** - Representative Hagener moved SB 220 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Jore, Orr, L. Smith.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Total 4

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.

Total 2

Absent or not voting: Stovall.

Total 1

**SB 235** - Representative Bohlinger moved SB 235 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fuchs, Peck.

Total 2

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.

Total 2

Absent or not voting: Jore.

Total 1

**HB 524** - Representative McKee moved HB 524 do pass.

Representative McKee moved consideration of HB 524 be placed at the bottom of the second reading board. Motion carried.

**SB 238** - Representative Denny moved SB 238 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Total 90

Noes: Barnhart, Fuchs, Harrington, Heavy Runner, Quilici, Shea, Wennemar, Wyatt.

Total 8

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wiseman, Ayes; Wennemar, No.

Excused: Feland, McCann.

Total 2

Absent or not voting: None.

Total 0

**SB 254** - Representative Mills moved SB 254 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.

Total 2

Absent or not voting: None.

Total 0

**SB 285** - Representative Pavlovich moved SB 285 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Noes: Devaney, Feland, Fuchs, Grady, Kasten, Rehbein, Simon, Sliter, L. Smith, Story, Trexler, Wagner.  
Total 12

Voted Absentee: Anderson, Keenan, Ohs, Taylor, Wennemar, Wiseman, Ayes; Feland, Story, Noes.

Excused: McCann.  
Total 1

Absent or not voting: None.  
Total 0

**HB 524** - Representative Harper moved consideration of HB 524 be placed at the top of the second reading board.  
Motion carried.

Representative Larson moved HB 524, second reading copy, be amended (amendment #1).

Representative Kadas moved to segregate items 2, 6 and 7 from Amendment #1.

Representative Grinde moved consideration of HB 524 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 299** - Representative Grady moved SB 299 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Keenan.  
Total 1

Voted Absentee: Anderson, Feland, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes; Keenan, No.

Excused: McCann.  
Total 1

Absent or not voting: Arnott, Brainard, Clark, Elliott, Ream.  
Total 5

**SB 327** - Representative Ellis moved SB 327 be concurred in.

Representative Ellis moved consideration of SB 327 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

**HB 151** - Representative Peck moved Senate amendments to HB 151 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Kadas.

Total 1

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.

Total 2

Absent or not voting: Grinde.

Total 1

**HB 163** - Representative Kasten moved Senate amendments to HB 163 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker.

Total 1

Voted Absentee: Anderson, Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.

Total 1

Absent or not voting: Boharski, Grinde.

Total 2

**HJR 1** - Representative Pavlovich moved Senate amendments to HJR 1 be concurred in. Motion carried as follows:



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman.

Total 1

Voted Absentee: Anderson, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Keenan, McCann.

Total 3

Absent or not voting: Boharski, Vick.

Total 2

**SB 58** - Representative Stovall moved consideration of SB 58 be passed for the day. Motion carried.

**SB 177** - Representative Ellis moved consideration of SB 177 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved that the Committee of the Whole report be adopted. Report adopted. (92-3)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 59** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.

Total 2

Absent or not voting: None.

Total 0

**SB 69** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Brainard.

Total 2

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.

Total 2

Absent or not voting: None.

Total 0

**SB 120** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Excused: Feland, Story.  
Total 2

Absent or not voting: Green.  
Total 1

**SB 165** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.  
Total 2

Absent or not voting: None.  
Total 0

**SB 171** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, Grinde, Jore, Martinez, Murdock, Rehbein, Vick.  
Total 7

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.  
Total 2



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Absent or not voting: Fuchs.

Total 1

**SB 239** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, DeBruycker, Hayne, Jore, McGee, L. Smith, Soft, Vick.

Total 8

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.

Total 2

Absent or not voting: None.

Total 0

**SB 269** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Brainard, Clark, Cobb, Grinde, Jore, Keenan, Vick.

Total 7

Voted Absentee: Anderson, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes; Keenan, No.

Excused: Feland, Story.

Total 2

Absent or not voting: Marshall.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

Total 1

**SB 319** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.

Total 2

Absent or not voting: None.

Total 0

**HB 99** - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Denny, Green, Jore.

Total 3

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.

Total 2

Absent or not voting: Grinde, Menahan.

Total 2

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 4, 1995

**MOTIONS**

**HB 567** - Representative Hibbard moved HB 567 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

**HB 524** - Representative Hibbard moved HB 524 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

**SJR 6** - Representative Heavy Runner moved that he be removed as a sponsor from SJR 6. Motion carried.

**SB 299** - Representative Tropila moved he be allowed to change his vote on SB 299, second reading, from not voting to aye. Motion carried.

**HB 561** - Representative Mills moved he be allowed to change his vote on HB 561, second reading, from not voting to nay. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 6, 1995. Motion carried.

House adjourned at 12:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 6, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Cliff Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-eighth legislative day, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/6/95

Correctly printed for second reading: HB 9, HB 304, HB 553.

Correctly engrossed for third reading: HB 418, HB 534, HB 561, HB 572.

Correctly enrolled: HB 99, HB 168.

Examined by the sponsor and found to be correct: HB 97, HB 99, HB 104, HB 146, HB 168, HB 205, HB 216, HB 243, HB 285, HB 298.

Delivered to the Governor for his approval at 10:00 a.m., 3/6/95: HB 31, HB 47, HB 91, HB 119.

APPROPRIATIONS (Zook, Chairman):

3/6/95

**HB 9**, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "3,410"

Insert: "3,000"

2. Page 2, line 3.

Strike: "2,920"

Insert: "2,500"

3. Page 2, line 4.

Strike: "3,410"

Insert: "3,000"

4. Page 2, line 5.

Strike: "3,240"

Insert: "3,000"

5. Page 2, line 6.

Strike: line 6 in its entirety.

6. Page 2, line 7.

Strike: "0"

Insert: "4,000"

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

7. Page 2, line 9.

Strike: "24,370"

Insert: "24,000"

8. Page 2, line 10.

Strike: "9,260"

Insert: "9,000"

9. Page 2, line 11.

Strike: "9,750"

Insert: "9,500"

10. Page 2, line 12.

Strike: "13,650"

Insert: "7,500"

11. Page 2, line 13.

Strike: "29,250"

Insert: "27,000"

12. Page 2, line 14.

Strike: "19,500"

Insert: "19,000"

13. Page 2, line 16.

Strike: "9,750"

Insert: "8,000"

14. Page 2, line 17.

Strike: "9,750"

Insert: "9,000"

15. Page 2, line 18.

Strike: "21,450"

Insert: "20,000"

16. Page 2, line 20.

Strike: "9,750"

Insert: "9,000"

17. Page 2, line 21.

Strike: "7,310"

Insert: "7,000"

18. Page 2, line 22.

Strike: "4,870"

Insert: "4,500"

19. Page 2, line 23.



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Strike: "5,850"  
Insert: "5,500"

20. Page 2, line 24.  
Strike: "9,750"  
Insert: "9,000"

21. Page 2, line 25.  
Strike: "9,750"  
Insert: "9,000"

22. Page 2, line 26.  
Strike: "5,850"  
Insert: "6,000"

23. Page 2, line 27.  
Strike: "14,620"  
Insert: "13,000"

24. Page 2, line 28.  
Strike: line 28 in its entirety.

25. Page 2, line 29.  
Strike: "8,770"  
Insert: "8,500"

26. Page 2, line 30.  
Strike: "3,900"  
Insert: "3,000"

27. Page 3, line 1.  
Strike: "2,240"  
Insert: "2,000"

28. Page 3, line 2.  
Strike: "7,800"  
Insert: "7,000"

29. Page 3, line 3.  
Strike: "15,600"  
Insert: "15,000"

30. Page 3, line 5.  
Strike: "3,410"  
Insert: "3,000"

31. Page 3, line 6.  
Strike: "3,900"  
Insert: "4,000"

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

32. Page 3, line 7.

Strike: "7,800"

Insert: "3,000"

33. Page 3, line 8.

Strike: "3,900"

Insert: "4,000"

34. Page 3, line 9.

Strike: "7,800"

Insert: "7,000"

35. Page 3, line 10.

Strike: "4,870"

Insert: "4,500"

36. Page 3, line 11.

Strike: "2,920"

Insert: "3,500"

37. Page 3, line 12.

Strike: "1,950"

Insert: "1,000"

38. Page 3, line 13.

Strike: "4,880"

Insert: "4,000"

39. Page 3, line 14.

Strike: "2,920"

Insert: "2,500"

40. Page 3, line 15.

Strike: "6,820"

Insert: "5,000"

41. Page 3, line 16.

Strike: "4,870"

Insert: "6,000"

42. Page 3, line 17.

Strike: "5,850"

Insert: "5,500"

43. Page 3, line 19.

Strike: "0"

Insert: "2,000"

44. Page 3, lines 20 and 21.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Strike: lines 20 and 21 in their entirety.

45. Page 3, line 22.

Strike: "0"

Insert: "8,770"

46. Page 3, line 23.

Strike: "0"

Insert: "20,000"

47. Page 3, lines 24 through 30.

Strike: lines 24 through 30 in their entirety.

48. Page 4, line 1.

Strike: line 1 in its entirety.

49. Page 4, line 3.

Strike: "26,320"

Insert: "26,000"

50. Page 4, line 4.

Strike: "19,500"

Insert: "19,000"

51. Page 4, line 5.

Strike: "19,500"

Insert: "18,000"

52. Page 4, line 6.

Strike: "14,620"

Insert: "14,000"

53. Page 4, line 7.

Strike: "4,870"

Insert: "4,000"

54. Page 4, line 8.

Strike: "4,870"

Insert: "3,000"

55. Page 4, line 9.

Strike: "4,870"

Insert: "3,000"

56. Page 4, line 10.

Strike: "4,870"

Insert: "6,000"

57. Page 4, line 11.



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Strike: "15,600"  
Insert: "10,000"

58. Page 4, line 12.  
Strike: line 12 in its entirety.

59. Page 4, line 13.  
Strike: "0"  
Insert: "2,500"

60. Page 4, line 15.  
Strike: "29,250"  
Insert: "5,000"

61. Page 4, line 16.  
Strike: "14,620"  
Insert: "15,000"

62. Page 4, line 17.  
Strike: "4,870"  
Insert: "4,500"

63. Page 4, line 18.  
Strike: "14,620"  
Insert: "10,000"

64. Page 4, line 19.  
Strike: "14,620"  
Insert: "12,000"

65. Page 4, line 20.  
Strike: "14,620"  
Insert: "7,500"

66. Page 4, line 21.  
Strike: "3,900"  
Insert: "3,000"

67. Page 4, line 22.  
Strike: "14,620"  
Insert: "10,000"

68. Page 4, line 25.  
Strike: "2,440"  
Insert: "3,500"

69. Page 4, line 26.  
Strike: "3,900"  
Insert: "25,000"

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

70. Page 4, line 27.

Strike: "3,410"

Insert: "3,000"

71. Page 4, line 28.

Strike: "6,820"

Insert: "6,000"

72. Page 4, lines 29 and 30.

Strike: lines 29 and 30 in their entirety.

73. Page 5, line 1.

Strike: "0"

Insert: "5,000"

74. Page 5, line 2.

Strike: line 2 in its entirety.

75. Page 5, line 3.

Strike: "0"

Insert: "550"

76. Page 5, following line 3.

Insert: "Condition: Grant funds will be released only upon receipt of a letter of agreement from the state historic preservation office."

77. Page 5, line 5.

Strike: "4,390"

Insert: "5,000"

78. Page 5, line 6.

Strike: "7,020"

Insert: "2,500"

79. Page 5, line 7.

Strike: line 7 in its entirety.

80. Page 5, line 8.

Strike: "4,390"

Insert: "2,500"

81. Page 5, line 9.

Strike: line 9 in its entirety.

82. Page 5, line 10.

Strike: "6,580"

Insert: "2,500"

83. Page 5, lines 11 and 12.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Strike: lines 11 and 12 in their entirety.

And, as amended, do pass. Report adopted.

**HB 304**, introduced bill, be amended as follows:

1. Page 3, line 2.

Following: "of"

Insert: "long-range building program"

2. Page 3, line 5.

Following: "program"

Insert: "general obligation"

3. Page 3, line 11.

Following: line 10

Insert: "(7) The department shall use the proceeds of long-range building program bonds and other state revenue appropriated for regional correctional facilities to negotiate with local government entities or private providers to obtain the greatest number of beds that is consistent with program objectives for the least cost to the state."

4. Page 3, line 13.

Following: "years"

Insert: "and must contain provisions for renegotiation after 30 years"

Following: "."

Insert: "The provisions of 18-3-104 and 18-4-313 that limit the term of a contract do not apply to a contract authorized by [section 4]."

5. Page 4, line 15.

Following: "years."

Insert: "The provisions of 18-3-104 and 18-4-313 that limit the term of a contract do not apply to a contract authorized by this subsection (3)."

And, as amended, do pass. Report adopted.

**HB 553**, introduced bill, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

3/6/95

**SB 40**, be concurred in. Report adopted.

**SB 84**, be concurred in. Report adopted.

**SB 150**, be amended as follows:

1. Title, line 9.

Following: "TERMS;"

Insert: "PROVIDING A PENALTY;"



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

2. Page 4.

Following: line 21

Insert: "NEW SECTION. Section 3. Penalty for unauthorized disclosure of identifying information. An individual who knowingly discloses identifying information in violation of 40-8-126 is punishable by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both fine and imprisonment.

NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 40, chapter 8, part 1, and the provisions of Title 40, chapter 8, part 1, apply to [section 3]."

And, as amended, be concurred in. Report adopted.

**SB 217**, be concurred in. Report adopted.

**SB 270**, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/6/95

**SB 203**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

3/4/95

**HB 168**, introduced by Orr

House bill not concurred in and returned to the House:

3/6/95

**HB 135**, introduced by Cobb

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/4/95

**HB 63**, introduced by Schwinden

House amendments to Senate bill concurred in:

**SB 44**, introduced by Beck

Senate bill passed and transmitted to the House for concurrence:

3/4/95

**SB 345**, introduced by Swysgood

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 583**, introduced by Ewer, referred to Committee on Taxation.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

The following Senate bill was introduced, read first time, and referred to committee:

**SB 345**, introduced by Swysgood, referred to Committee on State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wells in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 132** - Representative Anderson moved consideration of SB 132 be passed for the day. Motion carried.

**SB 243** - Representative Ryan moved SB 243 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, DeBruycker, Jore, Larson, Molnar, Story.

Total 7

Excused: None.

Total 0

Absent or not voting: Ellis, Swanson.

Total 2

**SB 259** - Representative Harper moved consideration of SB 259 be placed at the bottom of the second reading board. Motion carried.

**SB 275** - Representative S. Smith moved SB 275 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: DeBruycker, Molnar, Nelson, Wiseman.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Ellis, Ryan, Simpkins.  
Total 3

**SB 302** - Representative Mills moved SB 302 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Ryan.  
Total 1

**SB 304** - Representative Pavlovich moved SB 304 be concurred in. Motion carried as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook.  
Total 72

Noes: Ahner, Anderson, Brainard, Clark, DeBruycker, Denny, Feland, Forbes, Grinde, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Martinez, McGee, Orr, L. Smith, S. Smith, Soft, Somerville, Taylor, Vick, Wiseman, Mr. Speaker.  
Total 27



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Excused: None.

Total 0

Absent or not voting: Ryan.

Total 1

**SB 58** - Representative Stovall moved SB 58 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

**SB 105** - Representative Brainard moved SB 105 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: Arnott.

Total 1

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Representative Fisher excused at this time.

**SB 177** - Representative Ellis moved SB 177 be concurred in.

Representative Ellingson moved SB 177, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 2.

Following: ". "

Insert: "These definitions must inform the insured that the insured's health care provider may charge more than the limits established by the defined terms and that such additional charges may not be covered by the policy, certificate, or contract."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Rehbein.

Total 1

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

Representative Ellis moved SB 177, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: DeBruycker.

Total 1

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 327** - Representative Ellis moved SB 327, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 19 and 20.

Strike: "a college" on line 19 through "education" on line 20

Insert: "an accredited college or university"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

Representative Ellis moved SB 327, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Boharski, Brainard, DeBruycker, Ewer, Fisher, Green, Herron, Jore, Kasten, Knox, Ohs, Rehbein, S. Smith, Story, Vick.

Total 15



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Voted Absentee: Fisher, No.

Excused: None.

Total 0

Absent or not voting: Clark, Martinez.

Total 2

**SB 259** - Representative Marshall moved SB 259 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Curtiss, McGee.

Total 2

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wells moved that the Committee of the Whole report be adopted. Report adopted. (90-5)

**MOTIONS**

**SB 148** - Representative Simpkins moved SB 148 be taken from engrossing and rereferred to second reading. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 4** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, DeBruycker, Denny, Feland, Jore, Peck, Rehbein, S. Smith.

Total 8

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 418** passed as follows:

Ayes: Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Marshall, McCann, McCulloch, McKee, Menahan, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.

Total 63

Noes: Ahner, Anderson, Barnett, Boharski, Brainard, Cobb, Cocchiarella, Curtiss, Denny, Feland, Fisher, Fuchs, Grady, Green, Heavy Runner, Herron, Hurdle, Jore, Kadas, Kitzenberg, Larson, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Orr, Simpkins, Sliter, L. Smith, Somerville, Trexler, Vick, Wagner, Wiseman, Mr. Speaker.

Total 37

Voted Absentee: Fisher, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 534** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, Boharski, DeBruycker, Elliott, Feland, Hurdle, Kasten, Marshall, Peck, Rehbein, Sliter, S. Smith, Wiseman.  
Total 13

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: Devaney.  
Total 1

**HB 561** failed as follows:

Ayes: Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, Kadas, Knox, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Somerville, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 46

Noes: Ahner, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Masolo, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 54

Voted Absentee: Fisher, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 572** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft,



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Brainard, Jore, Keenan, Nelson, S. Smith, Vick.

Total 7

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Bergsagel.

Total 1

**SB 56** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 60** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Total 90

Noes: DeBruycker, Feland, Green, Grinde, Jore, Kasten, McGee, Wagner.

Total 8

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Larson, Pavlovich.

Total 2

**SB 202** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Feland, Grinde, Jore, Keenan.

Total 5

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 216** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Noes: DeBruycker, Feland, Grinde, Kitzenberg, McGee, L. Smith.  
Total 6

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: Swanson.  
Total 1

**SB 220** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Feland, Grinde, Jore, L. Smith, Wagner.  
Total 6

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 235** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Fuchs, Jore, Peck.  
Total 3



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Green.

Total 1

**SB 238** concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Barnhart, Fuchs, Heavy Runner, Wennemar, Wyatt.

Total 5

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

**SB 254** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fisher, Aye.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 285** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: DeBruycker, Devaney, Feland, Fuchs, Grinde, Jore, Kasten, Rehbein, L. Smith, Story, Trexler, Wagner.

Total 12

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 299** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Absent or not voting: Elliott, Wennemar.

Total 2

**HB 151** - Aa amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Fuchs, Jore, Kadas, Keenan.

Total 5

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 163** - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker.

Total 1

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Nelson.

Total 1



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

**HJR 1** - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Jore, Kasten, Rehbein, Story.

Total 4

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Bergman, Boharski, Harrington, Keenan, S. Smith.

Total 5

**MOTIONS**

**HB 85, HB 202, HB 531, HB 542, HB 560** - Representative Orr moved HB 85, HB 202, HB 531, HB 542, HB 560 be taken from the Committee on Select Health Care and rereferred to the Committee on Joint Senate Health Care. Motion carried.

**SB 322, SB 341, SB 380, SB 405, SJR 14** - Representative Orr moved SB 322, SB 341, SB 380, SB 405, SJR 14 be taken from the Committee on Select Health Care and rereferred to the Committee on Joint Senate Health Care. Motion carried.

**SB 376** - Representative Orr moved SB 376 be taken from the Committee on Business & Labor and rereferred to the Committee on Joint Senate Health Care. Motion carried.

**HB 418** - Representative Boharski moved he be allowed to change his vote on HB 418, third reading, from aye to nay. Motion carried.

Representative Cocchiarella moved she be allowed to change her vote on HB 418, third reading, from aye to nay. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 6, 1995

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 7, 1995. Motion carried.

House adjourned at 2:35 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 7, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Betty Lou Kasten. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Raney, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-ninth, fiftieth, fifty-first and fifty-second legislative days, find the same to be correct.

Hayne, Chairman

**SPECIAL ORDERS OF THE DAY**

Speaker Mercer introduced Miss Montana, Amanda Granrud of Great Falls, who addressed the House concerning her work as Miss Montana during her 1995 reign.

Following her remarks, she was escorted from the Chamber by Representatives Cocchiarella and H. Hanson.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/7/95

Correctly printed for second reading: HB 565, HB 570, HB 574.

Correctly enrolled: HB 46, HB 61, HB 69, HB 105, HB 115, HB 147, HB 148, HB 151, HB 163, HB 173, HB 174, HB 175, HB 250, HB 284, HB 288, HB 291, HB 295, HJR 1.

Examined by the sponsor and found to be correct: HB 46, HB 61, HB 69, HB 105, HB 115, HB 147, HB 148, HB 151, HB 163, HB 173, HB 174, HB 175, HB 250, HB 284, HB 288, HB 291, HB 295, HJR 1.

NATURAL RESOURCES (Knox, Chairman): 3/7/95

**SB 78**, be amended as follows:

1. Page 5, line 10.

Following: "~~voluntarily~~"

Insert: "voluntarily"

2. Page 10, line 3.

Following: "THE"

Insert: "conditions in the"

3. Page 10, line 3.

Following: "DEPARTMENT"

Strike: "MAY"

Insert: "shall"

4. Page 11, line 20.

Following: "action,"

Insert: "the amounts voluntarily expended by the violator to address or mitigate the violation or impacts of the"

violation to waters of the state,"

And, as amended, be concurred in. Report adopted.

**SB 122**, be amended as follows:

1. Title, line 8.

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.

Following: line 24

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**SB 204**, be amended as follows:

1. Page 1, line 25.

Following: "TO"

Insert: "the conditions in"

Strike: "MAY"

Insert: "shall"

2. Page 3, lines 8 and 9.

Following: "account" on line 8

Strike: "AND THE COURT SHALL CONSIDER"

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

**HB 565**, introduced bill, be amended as follows:

3/6/95

1. Title, line 8.

Following: "15-6-207,"

Insert: "15-24-303,"

Following: "15-24-903,"

Insert: "15-24-920,"

2. Page 1, line 20.

Strike: "sections"

Insert: "section"

Strike: "and 4"

3. Page 1, line 21.

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Following: "15-24-903."

Insert: "An owner of livestock making an election to have nonexempt livestock assessed on the average inventory basis is bound by that election for 6 years."

4. Page 1, lines 29 and 30.

Strike: "sections" on line 29

Insert: "section"

Strike: "and 4" on line 30

5. Page 2, lines 15 through 21.

Strike: section 4 in its entirety

Renumber: subsequent sections

6. Page 3, lines 11 and 12.

Strike: "that" on line 11 through "exempt" on line 13

7. Page 3, line 13.

Following: "section."

Insert: "All other livestock subject to the per capita tax levy must be reported on February 1 of each year."

8. Page 4, line 2.

Insert: "Section 6. Section 15-24-303, MCA, is amended to read:

"15-24-303. Proration of tax on personal property -- refund. (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock.

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613."

Section 7. Section 15-24-920, MCA, is amended to read:

"15-24-920. Election for proration of tax on livestock -- refunds -- additional assessment. (1) An owner of livestock who moves the livestock interstate may elect to have the nonexempt livestock taxed on a prorated basis.

(2) The owner shall file an election with the department on the statement required in 15-24-903. The statement must indicate the number of months the owner's livestock will be in the state.

(3) If a livestock owner elects to be taxed on a prorated basis, the tax on livestock that are moved interstate must be prorated according to the ratio of the number of months the livestock have taxable situs in the county to the total number of months in the taxable year. Livestock must be prorated as provided in this section regardless of when the livestock gain taxable situs in the county during the taxable year.

(4) Subject to the provisions of 15-16-603 through 15-16-605, a taxpayer whose nonexempt livestock are assessed under subsection (3) for a period longer than the actual number of months that the livestock have taxable situs in the state is entitled to a refund. The amount of the refund is equal to the difference between the original prorated amount paid and the subsequent amount owed after the actual number of tax situs months are determined at the end of the tax year. A taxpayer shall apply for a refund allowed under this subsection by January 31 following the year of assessment. The application must include a statement showing the date when the livestock were moved out of the state.

(5) A taxpayer whose nonexempt livestock are assessed under subsection (3) for a period shorter than the actual number of months that the livestock have taxable situs is subject to additional taxes for the number of additional months that the livestock has taxable situs in the state.

(6) A taxpayer whose livestock are assessed under 15-24-902(2) is not entitled to a refund under this



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

part. ""

Renumber: subsequent sections

9. Page 4, line 3.

Strike: "Sections"

Insert: "Section"

Strike: "and 4"

Strike: "are"

Insert: "is"

10. Page 4, line 5.

Strike: "sections"

Insert: "section"

Strike: "and 4"

And, as amended, do pass. Report adopted.

**HB 570**, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "thereof"

Insert: "except"

Following: "taxation"

Insert: "by Montana"

2. Page 2, line 2.

Strike: "the states"

Insert: "Montana"

And, as amended, do pass. Report adopted.

**SB 255**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/6/95

**HB 46**, introduced by Simon

**HB 61**, introduced by T. Nelson

**HB 69**, introduced by Fisher

**HB 105**, introduced by Bohlinger

**HB 115**, introduced by Barnhart

**HB 147**, introduced by McKee

**HB 148**, introduced by McKee

**HB 173**, introduced by Ewer

**HB 174**, introduced by Hagener

**HB 175**, introduced by Hagener

**HB 250**, introduced by McCulloch

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7<sup>th</sup>, 1995

**HB 284**, introduced by Tropila  
**HB 288**, introduced by Marshall  
**HB 291**, introduced by Fuchs  
**HB 295**, introduced by Holland

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/6/95

**HB 142**, introduced by Somerville  
**HB 319**, introduced by Tropila

House amendments to Senate bill concurred in:

**SB 24**, introduced by Swysgood

Senate bill passed and transmitted to the House for concurrence:

3/6/95

**SB 161**, introduced by Stang

House bill requested to be returned for further consideration:

3/6/95

**HB 135**, introduced by Cobb

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 96 sponsored by Representative Larson on March 6, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 114 sponsored by Representative Ahner et al. on March 6, 1995.

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH <sup>7</sup>~~6~~, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 138 sponsored by Representative M. Hanson on March 6, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 48 sponsored by Representative Larson on March 7, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 152 sponsored by Representative Cocchiarella et al. on March 7, 1995.

Sincerely,

MARC RACICOT  
Governor



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 584**, introduced by Bergsagel, referred to Committee on Appropriations.

**HB 585**, introduced by Bergsagel, referred to Committee on Appropriations.

**HB 586**, introduced by Wyatt, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 161**, introduced by Stang, referred to Committee on Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ryan in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 132** - Representative Anderson moved SB 132 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Cobb, DeBruycker, Feland, Grinde, Jore, L. Smith, S. Smith, Wagner.

Total 9

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: Ryan.

Total 1

**HB 553** - Representative Grady moved HB 553 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Harper.

Total 1

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: Hurdle, L. Smith.

Total 2

**SB 40** - Representative Ahner moved SB 40 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Martinez.

Total 1

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 84** - Representative Simon moved SB 84 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Carey, Ellingson, Grady, Harrington, Heavy Runner, Pavlovich, Peck, Quilici, Shea, Squires.

Total 10

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 203** - Representative Swanson moved SB 203 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Ahner, Arnott, Bergsagel, Boharski, Cobb, DeBruycker, Devaney, Feland, Fuchs, Green, Herron, Jore, Kasten, Keenan, Murdock, Orr, Sliter, S. Smith, Vick, Wagner.

Total 20

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 217** - Representative Simon moved SB 217 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock,



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Feland, Kasten, Orr.

Total 4

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: Elliott.

Total 1

**SB 270** - Representative Bohlinger moved SB 270 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63** - Representative Schwinden moved Senate amendments to HB 63 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7<sup>th</sup>, 1995

Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Boharski, Brainard, Curtiss, S. Smith.  
Total 4

Voted Absentee: Raney, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ryan moved that the Committee of the Whole report be adopted. Report adopted. (85-3)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 58** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Raney.  
Total 1

Absent or not voting: Devaney, Kasten, Molnar, Ryan.  
Total 4

**SB 105** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fuchs, Galvin, Hagener, Harper, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, Ream, Rose, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 28

Excused: Raney.

Total 1

Absent or not voting: None.

Total 0

**SB 139** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 243** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock,



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Grinde, Hayne, Jore, Story, Wagner.

Total 6

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 259** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Cobb, Curtiss, McGee, Rose, Ryan, Story, Wagner.

Total 8

Voted Absentee: Raney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 275** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Curtiss, DeBruycker, Wiseman.  
Total 3

Voted Absentee: Raney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 302** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Raney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 304** concurred in as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Story, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 70

Noes: Ahner, Anderson, Brainard, Clark, Curtiss, DeBruycker, Denny, Forbes, Green, Grinde, Hayne, Herron,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH <sup>7</sup>~~6~~, 1995

Holland, Jore, Kasten, Keenan, Kitzenberg, McGee, S. Smith, Soft, Somerville, Taylor, Trexler, Vick, Wagner.  
Total 25

Voted Absentee: Raney, Aye.

Excused: None.  
Total 0

Absent or not voting: Harrington, Murdock, Pavlovich, Simon, Squires.  
Total 5

**MOTIONS**

**HB 561** - Representative Larson moved the House reconsider its action on HB 561 taken on third reading the previous legislative day. Motion carried. (61-37)

**HB 9** - Representative Bergsagel moved HB 9 be rereferred to printing. Motion carried.

**SB 105** - Representative Hurdle moved she be allowed to change her vote on SB 105, third reading, from aye to nay. Motion carried.

**REPORTS OF STANDING COMMITTEES**

BUSINESS & LABOR (Simon, Chairman):

3/7/95

**HB 574**, introduced bill, be amended as follows:

1. Title, line 20.

Following: "AGREE;"

Insert: "PROVIDING TIME LIMITS RELATING TO GRANTING OR DENYING A LICENSE;"

2. Title, line 23.

Following: "16-4-105,"

Insert: "16-4-207,"

Following: "16-4-401,"

Insert: "16-4-405,"

3. Page 5, line 16.

Following: "must"

Insert: ", in the calculation of the commission rates,"

4. Page 6, lines 12 and 13.

Following: second "store" on line 12

Insert: "established after [the effective date of this act]"

5. Page 6, line 14.

Following: "store"

Insert: "established after [the effective date of this act]"



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

6. Page 16, line 13.

Following: "(4)"

Strike: "Agency"

Insert: "The department shall negotiate commissions with agency stores, and agency"

7. Page 16, line 14.

Strike: "10% commission"

Insert: "commission of 10% or more, but not to exceed 15%,"

8. Page 28, line 3.

Insert: "Section 36. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- investigation -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer a retail license, the department shall review the application for completeness and to determine whether the applicant or the premises to be licensed meets criteria provided by law. The department shall request that the department of justice investigate the application as provided in 16-4-402. If after the investigation the department does not discover a basis to deny the application, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail license and that protests against the issuance of a license to the applicant by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

**NOTICE OF APPLICATION FOR RETAIL ALL-BEVERAGES LICENSE**

Notice is given that on the .... day of ....., 19..., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold). A person who has extended credit to the transferor and residents of ..... counties may protest against the issuance of the license. Protests may be mailed to ....., department of revenue, Helena, Montana, on or before the .... day of ....., 19...

Dated ..... Signed .....

ADMINISTRATOR

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If the issuance or transfer of a license is made without holding a public hearing, the issuance or transfer must be completed within 40 days of the last date of publication under subsection (1). If written protests by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties against the issuance or transfer of the license are received, the department shall hold a public hearing. Unless a later date is set by agreement between the applicant and the department, the public hearing must be held within 30 days of the last date of publication under subsection (1)."

Renumber: subsequent sections

9. Page 31, line 5.

Insert: "Section 38. Section 16-4-405, MCA, is amended to read:

"16-4-405. Denial of license -- timeliness. (1) The department may deny the issuance of a retail alcoholic beverages license if it determines that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.

(2) A retail license may not be issued by the department for a premises situated within a zone of a city

or town where the sale of alcoholic beverages is prohibited by ordinance, a certified copy of which has been filed with the department.

(3) A license under this code may not be issued if the department finds from the evidence at the hearing held pursuant to 16-4-207(3) that:

(a) the welfare of the people residing in the vicinity of the premises for which the license is desired will be adversely and seriously affected;

(b) there is not a public convenience and necessity justification;

(c) the applicant or the premises proposed for licensing fail to meet the eligibility or suitability criteria established by this code; or

(d) the purposes of this code will not be carried out by the issuance of the license.

(4) The hearings examiner shall issue a proposed decision to grant or deny a license within 60 days after holding a public hearing under 16-4-207. Within 45 days of the expiration of the time period for written exceptions or, if there are oral arguments, within 45 days after oral arguments are held before the department, the department shall either grant or deny a license application. "

10. Page 33, line 22.

Following: "[Section"

Strike: "24"

Insert: "26"

And, as amended, do pass. Report adopted.

SB 19, be concurred in. Report adopted.

SB 22, be concurred in. Report adopted.

SB 38, be amended as follows:

1. Title, line 7.

Strike: "OR"

Insert: "AND"

2. Page 1, line 14.

Following: "expansion"

Strike: "and"

Insert: ", "

Following: "creation"

Insert: ", and job retention"

3. Page 1, line 18.

Following: "expansion"

Strike: "and"

Insert: ", "

Following: "creation"

Insert: ", and job retention"

4. Page 1, line 27.

Following: "create"

Insert: "and retain"

5. Page 3, lines 18 through 24.

Following: "and" on line 18

Strike: the remainder of subsection (5)

Insert: "that the job investment loan may not exceed the funding provided by private lenders and that at least one private lender must be a financial institution. The department shall secure the most favorable collateral position possible on any job investment loan."

6. Page 3, line 26.

Following: "review process"

Insert: "that:

- (a) incorporate the funding criteria adopted by the department to implement the federal community development block grant program pursuant to 90-1-103(5);
- (b) minimize the amount of Job Investment Act funds required; and
- (c) require financial institution review and contingent approval of the project before Job Investment Act funds are committed"

7. Page 3, lines 29 and 30.

Following: "deposit" on line 29

Strike: the remainder of line 29 through "and" on line 30

8. Page 4, line 8.

Following: "(2)"

Strike: "A"

Insert: "If a"

Following: "of"

Strike: "department or the loan review"

Following: "committee"

Strike: "who"

9. Page 4, lines 9 and 10.

Following: "application"

Strike: the remainder of line 9 through "processes" on line 10

Insert: ", then the application must be denied"

And, as amended, be concurred in. Report adopted.

**SB 80**, be concurred in. Report adopted.

**SB 201**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "IN"

Strike: remainder of line 5 through "OF" on line 6

Insert: "EMPLOYEE HAS BEEN INVOLVED IN"

2. Title, line 7.



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 7, 1995

Page 1, line 30.

Strike: "\$2,500"

Insert: "\$1,000"

3. Page 1, lines 28 and 29.

Following: "in"

Strike: remainder of line 28 through "OF" on line 29

Insert: "employee has been involved in"

And, as amended, be concurred in. Report adopted.

**SB 242**, be amended as follows:

1. Page 1, line 17.

Following: "industry"

Insert: "and may not represent the same district as described in subsection (3)"

And, as amended, be concurred in. Report adopted.

**SB 375**, be concurred in. Report adopted.

**SB 384**, be concurred in. Report adopted.

**SB 392**, be concurred in. Report adopted.

**SB 400**, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

3/7/95

**SB 240**, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, March 8, 1995. Motion carried.

House adjourned at 2:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
March 8, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bill Carey. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**SPECIAL ORDERS OF THE DAY**

The University of Montana Chamber Chorale, directed by Dr. David Thye, presented three songs to the House.

The following sponsors were added to HB 268:

Representative Denny, Representative Brainard, Representative Kitzenberg.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-third legislative day, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/8/95

Correctly printed for second reading: HB 268, HB 524, HB 554, HB 569, HJR 9.

Correctly engrossed for third reading: HB 553.

Correctly enrolled: HB 180, HB 310, HB 316, HB 379.

Examined by the sponsor and found to be correct: HB 180, HB 310, HB 316, HB 379.

Signed by the Speaker at 6:00 p.m., 3/7/95: HB 97, HB 99, HB 104, HB 146, HB 168, HB 205, HB 216, HB 243, HB 285, HB 298.

Signed by the Speaker at 6:00 p.m., 3/7/95: HB 46, HB 61, HB 69, HB 105, HB 115, HB 147, HB 148, HB 151, HB 163, HB 173, HB 174, HB 175, HB 250, HB 284, HB 288, HB 291, HB 295, HJR 1.

APPROPRIATIONS (Zook, Chairman):

3/8/95

SB 83, be amended as follows:

1. Title, line 8.

Following: "~~15-65-121,~~"

Insert: "15-60-102, 15-65-121,"

2. Title, line 10.

Following: "20-7-504,"

Insert: "20-7-506,"

3. Title, line 16.

Following: "~~17-1-503,~~"

Insert: "15-65-122, 15-65-131,"

4. Page 2, line 3.



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Strike: "APPROPRIATED TO THE DEPARTMENT FROM THE STATE GENERAL FUND"

Insert: "paid by the office of public instruction"

5. Page 2, lines 18 and 19.

Following: ";" on line 18

Insert: "and"

Strike: line 19 in its entirety

Renumber: subsequent subsection

6. Page 2.

Strike: lines 21 through 24 in their entirety

Insert: "(2) If the revenue received under 61-3-509 exceeds the amount appropriated by the legislature to fund the expenses of the appellate defender program, the excess amount is statutorily appropriated, as provided in 17-7-502, to the supreme court to fund the expenses described in subsections (1)(a) through (1)(f)."

7. Page 2, line 26.

Following: "expenses,"

Strike: "the excess amount"

Insert: "up to \$500,000 of the excess amount must be used for youth court and probation foster care placements if the department of family services certifies to the supreme court that appropriations for youth court and probation foster care placements will be inadequate to fund those costs and remaining excess amounts"

8. Page 2, line 30 through page 3, line 1.

Strike: "THE APPELLATE DEFENDER COMMISSION AND THE OFFICE OF APPELLATE DEFENDER MUST BE FUNDED FIRST AND"

9. Page 7, line 14.

Strike: "20%"

Insert: "21%"

10. Page 7, lines 20 and 21.

Strike: "provisions" on line 20 through "AND" on line 21

11. Page 7, line 22.

Following: "Act"

Insert: ", and the Montana Growth Through Agriculture Act"

12. Page 8, line 7.

Following: line 6

Insert: "(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;"

Renumber: subsequent subsection

13. Page 8, line 17.

Strike: "20%"

Insert: "21%"

14. Page 8, lines 23 and 24.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Strike: "provision" on line 23 through "AND" on line 24

15. Page 8, line 25.

Following: "Act"

Insert: ", and the Montana Growth Through Agriculture Act"

16. Page 9, line 10.

Following: line 9

Insert: "(f) 1% to the state special revenue fund to the credit of the state library commission for the purposes of providing basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking;"

Renumber: subsequent subsection

17. Page 11, line 8.

Insert: "Section 8. Section 15-60-102, MCA, is amended to read:

"15-60-102. Utilization fee for bed days in nursing facilities. A nursing facility in the state shall pay to the department of revenue a utilization fee in the amount of \$2 for each bed day in the facility during fiscal year 1994 and \$2.80 for each bed day in the facility during fiscal year 1995 and each year thereafter. The fees collected must be deposited in the nursing facility state special revenue account established in 15-60-210 general fund."

Section 9. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution Deposit of tax proceeds—~~general fund loan authority~~.-(1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501(6), be deposited in an account in the state special revenue general fund to the credit of the department of revenue. The department of revenue may ~~spend from that account~~ pay the expenses of collecting the tax in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. ~~Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501(6) and as provided in subsections (1)(a) through (1)(d), the department shall determine the expenditures by state agencies for in state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the general fund is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:~~

(a) ~~1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;~~

(b) ~~2.5% to the university system for the establishment and maintenance of a Montana travel research program;~~

(c) ~~6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use, subject to 23-1-131; and~~

(d) ~~the balance of the proceeds as follows:~~

(i) ~~75% to be used directly by the department of commerce;~~

(ii) ~~except as provided in subsection (1)(d)(iii), 25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and~~

(iii) ~~if 25% of the proceeds collected annually within the limits of a city or consolidated city county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city or consolidated city county is located is to be distributed to the nonprofit convention and~~

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

~~visitors bureau in that city or consolidated city-county.~~

~~(2) If a city or consolidated city-county qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city or consolidated city-county is located.~~

~~(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.~~

~~(4) The department of commerce may use general fund loans for efficient implementation of this section."~~  
Renumber subsequent sections

18. Page 14, line 11.

Strike: "17"

Insert: "19"

19. Page 16, lines 7 and 19.

Strike: "18"

Insert: "20"

20. Page 21, line 6.

Strike: "15-65-121;"

21. Page 21, lines 27 and 28.

Following "(4)" on line 27

Strike: remainder of line 27 through "each" on line 28

Insert: "Each"

Following: "month" on line 28

Insert: ", "

Following: "fund"

Strike: "."

22. Page 21, line 29.

Strike: "(1)"

Strike: "7.15%"

Insert: "8.15%"

23. Page 21, line 30.

Following "salaries"

Strike: "; and"

Insert: "."

24. Page 22, lines 1 and 2.

Strike: subsection (2) in its entirety

25. Page 25, line 29.

Insert: "Section 30. Section 20-7-506, MCA, is amended to read:

"20-7-506. Annual allocation and distribution of traffic education account proceeds. (1) The Subject to the provisions of subsection (2), the superintendent of public instruction shall annually order the distribution of all



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

~~moneys~~ money in the traffic education account to the districts conducting approved traffic education courses. The distribution of the traffic education ~~moneys~~ money must be based on the distribution policy promulgated by the superintendent of public instruction, provided that the reimbursements to districts must be based upon the number of pupils who, in a given school fiscal year, complete an approved traffic education course, including both the classroom instruction and behind-the-wheel driving.

(2) Before the funds in the traffic education account are disbursed, there must be appropriated to the superintendent of public instruction funds to administer the statewide traffic education program for eligible, young, novice drivers. The administration may include:

(a) supervision and assessment of approved traffic education courses;

(b) preparation for teachers of traffic education;

(c) development, printing, and distribution of essential instructional materials for traffic education; and

(d) any other activities considered necessary by the superintendent of public instruction, provided that the money is available only to support traffic education for young, novice drivers."

Renumber: subsequent sections

26. Page 35, line 30 through page 36, line 1.

Following: "state" on page 35, line 30

Strike: remainder of line 30 through "control" on page 36, line 1

27. Page 36, line 28.

Strike: "Except" through "net"

Insert: "Net"

28. Page 37, lines 5 through 11.

Strike: subsection (5) in its entirety

29. Page 42, line 6.

Strike: "state special revenue"

Insert: "enterprise"

30. Page 55, line 29.

Following: "~~made,~~"

Insert: "an equal percentage of the funds, up to \$3,000. After this disbursement has been made,"

31. Page 55, line 30.

Following: "~~counties~~"

Insert: "balance of the"

Following: "funds"

Insert: "must be apportioned among the counties"

Following: "~~each~~"

Strike: "the"

Insert: "each"

32. Page 56, line 1.

Following: "~~balance~~"

Insert: "balance of the"

Following: "~~counties~~"

Insert: "must be apportioned among the counties"

Following: "~~each~~"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Strike: "the"  
Insert: "each"

33. Page 60, line 9.  
Following: "~~17-1-503,~~"  
Insert: "15-65-122, 15-65-131,"

34. Page 60, lines 12 and 14.  
Strike: "10"  
Insert: "12"

35. Page 60, lines 15 and 16.  
Strike: "17"  
Insert: "19"  
Strike: "18"  
Insert: "20"

36. Page 60, line 18.  
Strike: "78"  
Insert: "81"

37. Page 60, line 20.  
Following: "(2)"  
Strike: "[ " through "ARE"  
Insert: "Except as provided in subsection (1), [this act] is"

And, as amended, be concurred in. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):  
SB 114, be concurred in. Report adopted.

3/7/95

SB 163, be amended as follows:

1. Page 2, lines 2 through 6.  
Strike: "other" on line 2 through "veteran" on line 6

2. Page 2, line 8.  
Following: "disability"  
Insert: "unless the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1) of this section, or a specially inscribed license plate issued under 61-3-332(10)(c)(i)(A) or (10)(g) or [section 1(2)]"

And, as amended, be concurred in. Report adopted.

SB 268, be concurred in. Report adopted.

SB 103, be concurred in. Report adopted.

3/8/95

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

TAXATION (Hibbard, Chairman):

3/7/95

**HB 524**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "OF"

Insert: "CERTAIN"

2. Page 2, line 19.

Strike: "agency liquor stores,"

3. Page 2, line 20.

Strike: "and"

4. Page 2, line 21.

Following: line 20

Insert: "(iv) agency liquor stores, except when sold to a retail licensee for the purpose of resale; and "

Renumber: subsequent subsection

5. Page 2, line 26.

Following: "1995"

Insert: ", if House Bill No. 574 is passed and approved"

Following: " -"

Insert: "If House Bill No. 574 is not passed and approved, then [section 2] is void."

And, as amended, do pass. Report adopted.

**HB 569**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "UNIVERSITY-NORTHERN;"

Insert: "INSERTING LANGUAGE RELATING TO THE GROUND WATER ASSESSMENT ACCOUNT TO CONFORM TO SENATE BILL NO. 48, WHICH WAS ENACTED AS CHAPTER 31, LAWS OF 1995;"

2. Page 1, line 21.

Strike: "9.4%"

Insert: "7.2%"

3. Page 1.

Following: line 21

Insert: "(d) to the ground water assessment account established in 85-2-905, 2.2% of total collections each year;"

Renumber: subsequent subsections

4. Page 2, line 3.

Strike: "(1)(f)(i)"

Insert: "(1)(g)(i)"

5. Page 2, line 12.



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Page 7, line 13.  
Page 8, line 12.  
Page 8, line 22.  
Strike: "(1)(f)"  
Insert: "(1)(g)"

6. Page 2, line 15.  
Strike: "(1)(f)" in both places  
Insert: "(1)(g)"

7. Page 6, line 4.  
Strike: "(1)(d)"  
Insert: "(1)(e)"

8. Page 7, line 3.  
Strike: "(1)(e)"  
Insert: "(1)(f)"

And, as amended, do pass. Report adopted.

**HJR 9**, introduced bill, be amended as follows:

1. Page 2, line 15.  
Strike: "\$32,771,000"  
Insert: "\$32,592,000"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/7/95

**HB 180**, introduced by Clark  
**HB 310**, introduced by Barnett  
**HB 316**, introduced by Harrington  
**HB 379**, introduced by Murdock

House bill requested to be returned for further consideration:

3/7/95

**HB 295**, introduced by Holland

Senate bills passed and transmitted to the House for concurrence:

3/7/95

**SB 138**, introduced by Mesaros  
**SB 198**, introduced by Jergeson

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 91 sponsored by Representatives Marian Hanson et al. on March 7, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 170 sponsored by Representative John Rose on March 7, 1995.

Sincerely,

MARC RACICOT  
Governor

FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

**HB 587**, introduced by Quilici, referred to Committee on Taxation.

**HB 588**, introduced by Ohs, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 138**, introduced by Mesaros, referred to Committee on Taxation.

**SB 198**, introduced by Jergeson, referred to Committee on Taxation.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 229** - Representative H. Hanson moved Senate amendments to HB 229 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 304** - Representative Fisher moved HB 304 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Larson, Menahan, Pavlovich, Quilici, Wennemar.

Total 5

Excused: None.

Total 0



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Absent or not voting: Soft.  
Total 1

**SB 22** - Representative Herron moved SB 22 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 150** - Representative Ryan moved SB 150 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, DeBruycker, Ellis, Feland, Green, Jore, Kasten, McGee, Rehbein.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Simpkins.  
Total 1

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

**SB 240** - Representative Bohlinger moved SB 240 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Feland, Fisher, Grinde, Rehbein, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

**SB 255** - Representative Ryan moved SB 255 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Heavy Runner, Jore, McGee, Rehbein.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 384** - Representative Devaney moved SB 384 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox,

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Fuchs, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: Fisher, Menahan, Tuss.

Total 3

**SB 392** - Representative Cocchiarella moved SB 392 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Brainard, Clark, DeBruycker, Feland, Grady, Green, Jore, Murdock, Rehbein, Vick.

Total 10

Excused: None.

Total 0

Absent or not voting: Arnott, Molnar.

Total 2

**SB 400** - Representative Ohs moved SB 400 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Noes: Arnott, Boharski, DeBruycker, Fisher, Green, Jore, S. Smith.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 142** - Representative Somerville moved Senate amendments to HB 142 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Brainard, Curtiss, DeBruycker, Denny, Jore, McGee, Orr, Vick, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

**HB 319** - Representative Tropila moved Senate amendments to HB 319 be concurred in. Motion failed as follows:

Ayes: Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Forbes, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook.

Total 45

Noes: Ahner, Anderson, Arnott, Barnett, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Ewer, Feland, Fisher, Fuchs, Grimes, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Mr. Speaker.

Total 54

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Absent or not voting: Mills.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (74-22)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 132** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Cobb, DeBruycker, Ewer, Harper, Jore, Raney, S. Smith, Wagner.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Mills.  
Total 1

**HB 553** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Harper, Raney.  
Total 2

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**SB 40** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 84** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Carey, Ellingson, Heavy Runner, Ohs, Pavlovich, Quilici, Shea, Squires.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

**SB 203** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Boharski, Brainard, Cobb, DeBruycker, Devaney, Feland, Fuchs, Green, Grinde, Herron, Jore, Kasten, Keenan, McGee, Murdock, Orr, Rehbein, Rose, Sliter, S. Smith, Vick, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 217** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, DeBruycker, Feland, Hayne, Jore, Kasten, Keenan, Orr.

Total 8

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**SB 270** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan,

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63** - as amended by the Senate concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Boharski, Jore, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: Trexler.

Total 1

**SB 177** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Noes: DeBruycker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 327** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Boharski, Brainard, DeBruycker, Ewer, Fisher, Green, Hayne, Herron, Jore, Kasten, Knox, Rehbein, S. Smith, Vick, Wennemar.

Total 15

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**SB 284** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Barnhart, Ellingson, Elliott, Ewer, Harper, Kadas, McCann, McCulloch, Ream, Tuss.

Total 10

Excused: None.

Total 0



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Absent or not voting: Hibbard.  
Total 1

**HB 561** passed as follows:

Ayes: Ahner, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Somerville, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 54

Noes: Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny Devaney, Ellis, Fisher, Forbes, Fuchs, Green, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Martinez, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Representative Peck read the following statement:

On behalf of the Democrats in the House - and, I believe all Montanans - I want to be on record condemning the distribution of hate literature that took place on the floor of this chamber yesterday. It is an embarrassment to me, as I am sure it is to all members. I could not be more offended if it happened in my own home.

To all of us, Montana is a proud and diverse community where differences can emerge and be resolved without hatred and prejudice.

Thank you, Mr. Speaker.

Representative Grinde supported Peck in his statement and apologized for the incident. He stated that security would be increased to prevent the distribution of unauthorized propaganda in the House Chamber.

**MOTIONS**

Representative Orr moved that the rules be suspended to allow the Committee on Joint Select Health Care be allowed to vote as a body. Motion carried.

**REPORTS OF STANDING COMMITTEES**

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):

2/28/95

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

**SB 289**, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

3/8/95

**HB 554**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "who"

Strike: "manufactures"

Insert: "has the capacity to manufacture"

Following: "but"

Insert: "does"

Following: "not"

Insert: "manufacture"

2. Page 1, line 20.

Following: "sales of"

Insert: "that brewer's"

3. Page 1, line 23.

Following: "code;"

Strike: "or"

4. Page 1, line 24.

Following: "brewer"

Insert: "; or (d) the licensee does not, within the third year subsequent to obtaining a license, manufacture at least 300 barrels of beer in that year"

5. Page 1, line 27.

Following: "(3)"

Insert: "(a)"

6. Page 1, line 28.

Following: "16-4-209."

Insert: "(b) A licensee who is also licensed under the provisions of 16-4-105, 16-4-201, 16-4-202, 16-4-208, or 16-4-209 is exempt from the provision of subsection (1) that requires an applicant for a brewer's license to have the capacity to produce at least 300 barrels of beer a year and from the provision of subsection (1)(d), except that the licensee is required to manufacture at least 50 barrels of beer within the first year of obtaining a brewer's license. (c)"

7. Page 2, line 6.

Strike: "11"

Insert: "9"

8. Page 2, line 7.

Following: "consumption"

Insert: "only if the beverages were manufactured in the brewery licensed under this section"

9. Page 2, line 8.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Following: "consumption"  
Insert: "on or"

10. Page 2, line 14.  
Following: "subsection"  
Strike: "(3)"  
Insert: "(4)"

11. Page 3, line 7.  
Strike: "16-6-301 or"

And, as amended, do pass. Report adopted.

**SB 151**, be concurred in. Report adopted.

**SB 233**, be concurred in. Report adopted.

**SB 329**, be concurred in. Report adopted.

**SB 335**, be concurred in. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):  
**SB 112**, be amended as follows:

3/7/95

1. Title, line 13.  
Following: "PROVIDING"  
Strike: "AN"  
Following: "EFFECTIVE"  
Strike: "DATE"  
Insert: "DATES, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

2. Page 6, line 18.  
Following: line 17  
Insert: "Section 5. Section 20-10-141, MCA, is amended to read:

"20-10-141. Schedule of maximum reimbursement by mileage rates. (1) The following mileage rates for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) The rate per bus mile traveled must be determined in accordance with the following schedule when the number of eligible transportees that board a school bus on an approved route is not less than one-half of its rated



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

capacity:

(a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more than 45 children; and

(b) when the rated capacity is more than 45 children, an additional 2.13 cents per bus mile for each additional child in the rated capacity in excess of 45 must be added to a base rate of 85 cents per bus mile.

(3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the maximum reimbursement rate determined under subsection (2).

(4) When the number of eligible transportees boarding a school bus on an approved route is less than one-half of its rated capacity, the rate per bus mile traveled must be computed as follows:

(a) determine the number of eligible transportees that board the school bus on the route;

(b) multiply the number determined in subsection (4)(a) by two and round off to the nearest whole number; and

(c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus to determine the rate per bus mile traveled from the rate schedule in subsection (2).

(5) The rated capacity is the number of riding positions of a school bus as determined under the policy adopted by the board of public education."

Renumber: subsequent sections

3. Page 11, line 13.

Following: "first"

Strike: "Monday"

Insert: "school day on or"

4. Page 11, line 21 and 23.

Strike: "7 through 9"

Insert: "8 through 10"

5. Page 11, lines 25 and 26.

Strike: "date"

Insert: "dates -- retroactive applicability"

Strike: "[This act] is"

Insert: "(1) [Sections 1 through 4, 6 through 11, and 13] are"

Following: line 25

Insert: "(2) [Section 5 and this section] are effective on passage and approval

(3) [Section 5] applies retroactively, within the meaning of 1-2-109, to the school fiscal year beginning July 1, 1994.

NEW SECTION. Section 13. Termination. [Section 5] terminates July 1, 1995."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

3/8/95

SB 2, be concurred in. Report adopted.

SB 8, be amended as follows:

1. Page 1, line 23.

Following: "or"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

Insert: "or"

2. Page 1, lines 23 and 24.

Strike: "OR" on line 23 through "TOWN," on line 24

And, as amended, be concurred in. Report adopted.

SB 82, be concurred in. Report adopted.

SB 87, be concurred in. Report adopted.

SB 117, be concurred in. Report adopted.

SB 121, be amended as follows:

1. Page 1, line 21.

Following: "available"

Insert: "and will be provided"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/8/95

HB 268, introduced bill, be amended as follows:

1. Title, line 21.

Following: "SALARY;"

Insert: "CHANGING THE DEFINITION OF EARNED COMPENSATION IN THE TEACHERS' RETIREMENT SYSTEM;"

2. Page 2, lines 8 and 13.

Strike: "2%"

Insert: "1.5%"

3. Page 2.

Following: line 26

Insert: "The legislature finds that it is most cost-effective to help fund the GABA under the teachers' retirement system with a redefinition of earned compensation. Because several current members have contributed on summer employment, which will not be included in the new definition of earned compensation, the legislature intends that vested members of the teachers' retirement system be given a limited option to include in the calculation of future benefits the actuarial value of summer compensation that has been reported for the 3 fiscal years prior to [the effective date of this act]. The legislature further intends that the member or the member's employer, or both, pay the actuarial cost of any additional benefit enhancement."

4. Page 3, lines 3, 5, 7, 11, 16, 28, and 30.

Strike: "2%"

Insert: "1.5%"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

5. Page 4, lines 2, 6, 11, 28, and 30.

Strike: "2%"

Insert: "1.5%"

6. Page 5, lines 2 and 6.

Strike: "2%"

Insert: "1.5%"

7. Page 5.

Following: line 19

Insert:

"NEW SECTION. Section 4. State contributions. The state shall contribute monthly to the pension trust fund a sum equal to 0.3% of the compensation of members employed by local governments and school districts on and after July 1, 1995, and a sum equal to 0.25% of the compensation of members employed by local governments and school districts on and after July 1, 1997. Local government and school district employer contributions must be the total employer contribution rate minus the state contribution rate.

NEW SECTION. Section 5. State contributions. The state shall contribute monthly to the pension trust fund a sum equal to 0.1% of the compensation of members employed by county sheriffs' departments on and after July 1, 1995, and a sum equal to 0.05% of the compensation of members employed by county sheriffs' departments on and after July 1, 1997. County employer contributions must be the total employer contribution rate minus the state contribution rate.

NEW SECTION. Section 6. State contributions. (1) The state shall contribute monthly to the pension trust fund sums equal to the following portion of the compensation of members employed by school districts:

- (a) 0.015% on and after July 1, 1995;
- (b) 0.325% on and after July 1, 1996;
- (c) 0.6% on and after July 1, 1997; and
- (d) 0.9% on and after July 1, 1998.

(2) School district contributions must be the total employer contribution rate minus the state contribution rate.

NEW SECTION. Section 7. Summer compensation benefit adjustment for certain members -- annuity account option. (1) A vested member as of July 1, 1995, who is employed under an academic year contract with summer session compensation reported to the retirement system for fiscal years 1993, 1994, or 1995 and who retires on or before July 1, 2003, may elect to include in the calculation of benefits the actuarial value, as of July 1, 1995, of the reported summer compensation or to have the 3 years of summer compensation included in the calculation of average final compensation provided that:

(a) earnings for each month during the summer session do not exceed one-ninth of the member's base contract for the academic year; and

(b) the member or the member's employer as well as the member contributes to the system the actuarial cost of any benefit enhancement in addition to the actuarial value of the summer compensation as of July 1, 1995.

(2) A member who retires after July 1, 2003, but on or before July 1, 2004, and who meets the requirements of subsections (1)(a) and (1)(b) may elect to include two-thirds of the amount available under subsection (1).

(3) A member who retires after July 1, 2004, but on or before July 1, 2005, and who meets the requirements of subsections (1)(a) and (1)(b) may include one-third of the amount available under subsection (1).

(4) An employer may negotiate to pay up to one-half of the actuarial cost of the enhanced benefit provided for under subsections (1) through (3). The employer shall establish a policy for the payment of the actuarial cost



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

under subsections (1) through (3) and shall apply the policy indiscriminately for all employees.

(5) An employer may contribute, except as limited by the Internal Revenue Code, to an annuity account on behalf of an employee a percentage of the employee's summer compensation that is equivalent to the employer's contribution rate under 19-20-605."

Renumber: subsequent sections

8. Page 5, line 22

Strike: "6.935%"

Insert: "6.8%"

9. Page 5, line 24

Strike: "7.17%"

Insert: "6.9%"

Following: "1996;"

Insert: "and"

10. Page 5, lines 25 and 26

Strike: "7.405%" on line 25

Insert: "7%"

Strike: ";and" on line 25 through "1998" on line 26

11. Page 6, line 16

Strike: "The"

Insert: "Except as provided in [section 4], the"

12. Page 6, line 17.

Strike: ";

13. Page 6, lines 18 through 20.

Strike: "(1) 7.2%" on line 18

Insert: "7%"

Strike: "1" on line 18 through "1997" on line 20

14. Page 9, lines 18 and 28.

Strike: "28.77%"

Insert: "31.68%"

15. Page 11, line 18.

Strike: "9.1%"

Insert: "9.08%"

16. Page 12, line 3.

Strike: "36.39%"

Insert: "36.36%"

17. Page 12, line 5.

Strike: "26.21%"

Insert: "26.18%"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

18. Page 12, line 25.

Strike: "7.62%"

Insert: "7.38%"

19. Page 13, line 11.

Strike: "The"

Insert: "Except as provided in [section 5], the"

Strike: "8.29%"

Insert: "7.77%"

20. Page 14, line 3.

Strike: "8.5%"

Insert: "8.2%"

21. Page 14, line 25.

Strike: "5.69%"

Insert: "3.92%"

22. Page 15, line 16.

Strike: "16.41%"

Insert: "15.86%"

Following: "members"

Insert: "on and after July 1, 1995, and 15.81% of compensation paid to members on and after July 1, 1997"

23. Page 15, line 21.

Strike: "16.58%"

Insert: "14.36%"

24. Page 15, line 22.

Following: "members"

Insert: "on and after July 1, 1995, and 14.41% of the compensation paid to all active members on and after July 1, 1997"

25. Page 16, line 4.

Strike: "12.65%"

Insert: "11.75%"

26. Page 16, line 7.

Strike: "9.95%"

Insert: "9.05%"

27. Page 16, line 8.

Strike: "11.15%"

Insert: "10.25%"

28. Page 16, line 9.

Strike: "12.65%"

Insert: "11.75%"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

29. Page 17, line 5.

Strike: "7.8%"

Insert: "7.6%"

30. Page 18, line 3.

Strike: "and 24.02%"

Insert: "24.01%"

Following: "1995"

Insert: ", and 23.935% of the total compensation paid on and after July 1, 1997"

31. Page 18, line 9.

Strike: "14.04%"

Insert: "13.02%"

Following: "members"

Insert: "on and after July 1, 1995, and 13.095% of the total compensation paid to members on and after July 1, 1997"

32. Page 18, line 14.

Strike: "(2)"

Insert: "(3)"

33. Page 18, lines 28 and 29.

Strike: "or who has elected to receive a guaranteed annual benefit adjustment under [section 3], and"

34. Page 19, line 2.

Following: "(3)"

Insert: "For members hired before July 1, 1981, who have elected the guaranteed annual benefit adjustment under [section 3], the following retirement benefits apply:

(a) A member who elects to retire after having reached both 20 years of membership service and age 50 must receive a service retirement benefit equal to the sum of:

(i) 50% of the member's final average compensation for years of service credit up to and including 20 years; and

(ii) 1% of the member's final average compensation for each year of service credit after 20 years:

(b) A member who elects to retire after having reached at least 10 years of membership service but prior to reaching age 50 as an active member must receive a service retirement benefit equal to 2% of the member's final average compensation for each year of service credit. Upon the retired member's death, the benefit must be paid to the surviving spouse. If there is no surviving spouse or if the surviving spouse dies and if the member leaves one or more dependent children, the children are entitled to receive the allowance as long as they remain dependent children as defined in 19-13-104.

(4)"

35. Page 19, line 4.

Following: "(2)"

Insert: "or (3)"

36. Page 20, line 21

Following: "(2)"

Insert: "The following survivorship benefits apply to members hired before July 1, 1981, who have elected the guaranteed annual benefit adjustments provided in [section 3]:



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

(a) Upon the death before retirement of an active member, the member's surviving spouse, if there is one, must receive a survivorship benefit equal to one-half the final average compensation received by the member. If the member leaves one or more dependent children, then, upon the member's death if the member leaves no surviving spouse or upon the death of the surviving spouse, the member's dependent children must collectively receive the same benefit that a surviving spouse would have received as long as the children remain dependent children as defined in 19-13-104.

(b) If the deceased member completed over 20 years of membership service, the survivorship benefit provided in subsection (1)(a) must be increased at a rate of 2% of the final average compensation for each year in excess of 20 [, up to a maximum of 60% of the final average compensation received by the member, except as provided under [section 3]].

(3)"

37. Page 20, lines 21 and 22.

Following: "1981," on line 21

Strike: "or of a member who has elected to receive the guaranteed annual benefit adjustment provided under [section 3]."

38. Page 21, line 23.

Strike: "earned compensation includes"

Insert: "member receives"

39. Page 22, lines 15 through 19.

Strike: "full" on line 15 through "member" on line 19

Insert: "base contract amount paid out of funds controlled by an employer as defined under this chapter. The base contract amount is the gross contract amount for the academic or fiscal year before any tax-deferred deductions allowed under the Internal Revenue Code have been made and includes any increase or amounts paid based on placement on the salary matrix for experience and education level. The base contract amount does not include amounts paid for extra compensation, overtime, summer employment, research, maintenance, allowances, expenses, or bonuses or any payment for additional duties"

40. Page 22, line 20

Strike: "full compensation, pay, or salary"

Insert: "base contract amount"

41. Page 22, lines 21, 24, and 27.

Strike: ", pay, or salary"

42. Page 24, line 5

Strike: "7.4%"

Insert: "7.354%"

43. Page 24, line 6

Strike: "7.75%"

Insert: "7.664%"

44. Page 24, line 7

Strike: "8.1%"

Insert: "7.974%"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

45. Page 24, line 8

Strike: "8.45%"

Insert: "8.284%"

46. Page 25, line 14

Strike: "Each"

Insert: "Except as provided in [section 6], each"

47. Page 25, line 17

Strike: "8.04%"

Insert: "7.78%"

48. Page 25, line 18

Strike: "8.62%"

Insert: "8.09%"

49. Page 25, line 19

Strike: "9.19%"

Insert: "8.4%"

50. Page 25, line 20

Strike: "9.76%"

Insert: "8.71%"

51. Page 27, line 7

Strike: "as provided in 19-5-404"

Insert: "in the state general fund"

52. Page 28.

Following: line 18

Insert: "(4) [Section 4] is intended to be codified as an integral part of Title 19, chapter 3, and the provisions of Title 19, chapter 3, apply to [section 4].

(5) [Section 5] is intended to be codified as an integral part of Title 19, chapter 7, and the provisions of Title 19, chapter 7, apply to [section 5].

(6) [Sections 6 and 7] are intended to be codified as an integral part of Title 19, chapter 20, and the provisions of Title 19, chapter 20, apply to [sections 6 and 7].

NEW SECTION. Section 42. Coordination instruction. (1) If House Bill No. 205 is passed and approved and if it amends 19-20-101(8), then [section 2(8) of House Bill No. 205], amending 19-20-101, is void and [section 36(8) of this act], amending 19-20-101, must read:

"(8) "Earned compensation" means, except as provided in [section 7 of this act] and [section 8 of House Bill No. 205], the base contract amount paid out of funds controlled by an employer as defined under this chapter. The base contract amount is the gross contract amount for the academic or fiscal year before any tax-deferred deductions allowed under the Internal Revenue Code have been made and includes any increase or amounts paid based on placement on the salary matrix for experience and education level. The base contract amount does not include amounts paid for extra compensation, overtime, summer employment, research, maintenance, allowances, expenses, or bonuses or any payment for additional duties. The earned compensation is the base contract amount that would have been paid to a member for full-time service but that was not paid to the member because of a reduction in compensation due to a temporary absence, provided that the retirement system receives the contribution

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

required by 19-20-413. The earned compensation of a member who had less than 3 consecutive years of full-time service during the 5 years preceding retirement is the compensation that the member would have earned had the member's part-time service been full-time service. The earned compensation of a member who is awarded a disability retirement allowance prior to the completion of a full year is the compensation that the member would have received had the member completed the full year, except that any termination pay, as defined in subsection (5)(e), received by the member is limited to the amount actually paid and is not the amount the member would have earned had the member completed the full year."

(2) If House Bill No. 306 is passed and approved and if it amends 19-7-403, then the member's contribution rate provided for in 19-7-403(1) must be 8.365%.

(3) If House Bill No. 306 is passed and approved and if it amends 19-7-404, then the employer's contribution rate provided for in 19-7-404(1) must be 8.755%

(4) If House Bill No. 306 is passed and approved and if it amends 19-7-503, then [section 5 of House Bill No. 306], amending 19-7-503, is void and [section 23 of this act], amending 19-7-503, must read:

"19-7-503. Service retirement benefit. (1) The amount of any service retirement benefit granted to a member with 24 years or less of membership service is 2.0834% of the member's final average salary for each year of service credit, up to a maximum of 50% of final average salary.

(2) The member's retirement benefit must be increased for any member who contributes after 24 years of service credit by 1.35% of the member's final average salary for each year of service credit in excess of 24 years, up to a maximum of 60% of the member's final average salary.

(3)(2) If a member dies after retirement and had not elected an optional retirement benefit provided for in 19-7-1001, the member's designated beneficiary must be paid the excess, if any, of the member's accumulated contributions at the time of retirement less payments made to the retired member."

(5) If Senate Bill No. 83 is passed and approved and if it amends 19-8-504, then [section 23 of Senate Bill No. 83], amending 19-8-504, is void and [section 25 of this act], amending 19-8-504 must read:

"19-8-504. State's contribution. (1) ~~To fund the employer's portion of the normal cost of benefits under this chapter, each~~ Each month, the state treasurer shall pay to the pension trust fund:

(a) out of the department of fish, wildlife, and parks funds, a sum equal to ~~7.15%~~ 11.07% of all members' salaries; and

(b) ~~out of the funds collected as fines and forfeited bonds under the provisions of 87-1-601(1) through (5) or funds distributed under 3-10-601(4), an amount equal to 1% of all members' salaries.~~

(2) ~~In addition to the contributions provided in subsection (1), the state treasurer shall pay to the pension trust fund the balance of the funds distributed to the fish and game account pursuant to 3-10-601 until the unfunded liability in the pension trust fund is fully paid and a verification statement to that effect is given to the state treasurer by the board.~~"

(6) If Senate Bill No. 221 is passed and approved and if it amends 19-9-702, then [section 2 of Senate Bill No. 221], amending 19-9-702, is void and [section 27 of this act], amending 19-9-702, must read:

"19-9-702. State contribution. The state of Montana shall make its contributions through the state auditor out of the premium tax on motor vehicle property and casualty insurance policies. The payments must be made annually after the end of each fiscal year but no later than November 1 from the gross premium tax after deduction for cancellations and returned premiums. The division shall notify the auditor by September 1 of each fiscal year of the annual compensation paid to all active members during the preceding fiscal year. The state's contribution is ~~15.66%~~ 17.95% of compensation paid to members on and after July 1, 1995, and 17.9% of compensation paid to members on and after July 1, 1997."



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

(7) If Senate Bill No. 357 is passed and approved and if it amends 19-13-601(2), then [section 1 of Senate Bill No. 357], amending 19-13-601(2) is void and [section 30 of this act], amending 19-13-601(2), must read:

"(2) The member's contribution to the retirement system as a percentage of the member's compensation is:

(a) ~~6% 7.8%~~ of the member's compensation for a firefighter who first became a member prior to July 1, 1995, and who has not elected to receive the guaranteed annual benefit adjustment under [section 3]; or

(b) 9.46% for a firefighter who first became a member on or after July 1, 1995, or who has elected to receive a guaranteed annual benefit adjustment under [section 3]."

(8) If Senate Bill No. 357 is passed and approved and if it amends 19-13-604, then [section 2 of Senate Bill No. 357], amending 19-13-604, is void and [section 31 of this act], amending 19-13-604, must read:

"19-13-604. State contribution. (1) The state shall make its contributions through the state auditor from the premium taxes on the insurance risks enumerated in 19-18-512. These payments must be made annually to the pension trust fund after the end of each fiscal year but no later than November 1 from the gross premium taxes after deduction for cancellations and returned premiums. The division shall notify the auditor of the annual compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid to all active members during the preceding year.

(2) The state's contribution is:

(a) 23.27% of this total compensation effective paid on and after July 1, 1991;

(b) 25.01% of total compensation paid on and after July 1, 1995; and

(c) 24.935% of total compensation paid on and after July 1, 1997.

(3) As soon as practicable after receipt of the state contribution, the division shall deposit it in the pension trust fund."

(9) If Senate Bill No. 357 is passed and approved and if it amends 19-13-605, then [section 3 of Senate Bill No. 357], amending 19-13-605, is void and [section 32 of this act], amending 19-13-605, must read:

"19-13-605. Employer contribution. (1) Each employer shall make its contribution on behalf of members through the city treasurer or other appropriate official from money available to the city for this purpose.

(2) The employer's contribution is:

(a) ~~13.02%~~ 14.42% of the total compensation paid to members on and after July 1, 1995; and

(b) 14.495% of the total compensation paid to members on and after July 1, 1997.

(3) All contributions are payable monthly to the division, which shall, as soon as practicable after their receipt, deposit them in the pension trust fund."

(10) If Senate Bill No. 357 is passed and approved and if it amends 19-13-704, then [section 5 of Senate Bill No. 357], amending 19-13-704, is void and [section 33 of this act], amending 19-13-704, must read:

"19-13-704. Amount of service retirement benefit. (1) Except as provided in subsection (3), the following retirement benefits apply:

(a) A member hired before July 1, 1981, who elects to retire after having reached both 20 years of membership service ~~and age 50~~ must receive a service retirement benefit equal to the sum of:

(i) 50% of the member's last monthly compensation for years of service credit up to and including 20 years; and

(ii) ~~1%~~ 2% of the member's last monthly compensation for each year of service credit after 20 years.

(b) A member hired before July 1, 1981, who elects to retire after having reached at least 10 years ~~but less than 20 years~~ of membership service ~~but prior to reaching age 50~~ as an active member must receive a service retirement benefit equal to 2% of the member's last monthly compensation for each year of service credit. Upon the retired member's death, the benefit must be ~~made paid~~ to the surviving spouse. If there is no surviving spouse or if the surviving spouse dies and if the member leaves one or more dependent children, the children are entitled to receive the allowance as long as they remain dependent children as defined in 19-13-104.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

(2) A member who was hired on or after July 1, 1981, who retires with at least 10 years of membership service must receive a service retirement benefit equal to 2% of the member's final average compensation for each year of service credit.

(3) ~~The maximum monthly benefit payable to any retiree under subsection (1) may not exceed 60% of the member's last monthly compensation. The maximum monthly benefit payable to any retiree under subsection (2) may not exceed 60% of the member's final average compensation.~~ For members hired before July 1, 1981, who have elected the guaranteed annual benefit adjustment under [section 3], the following retirement benefits apply:

(a) A member who elects to retire after having reached 20 years of membership service must receive a service retirement benefit equal to the sum of:

(i) 50% of the member's final average compensation for years of service credit up to and including 20 years; and

(ii) 2% of the member's final average compensation for each year of service credit after 20 years.

(b) A member who elects to retire after having reached at least 10 years but less than 20 years of membership service as an active member must receive a service retirement benefit equal to 2% of the member's final average compensation for each year of service credit. Upon the retired member's death, the benefit must be paid to the surviving spouse. If there is no surviving spouse or if the surviving spouse dies and if the member leaves one or more dependent children, the children are entitled to receive the allowance as long as they remain dependent children as defined in 19-13-104."

(11) If Senate Bill No. 357 is passed and approved and if it amends 19-13-803, then [section 6 of Senate Bill No. 357], amending 19-13-803 is void and [section 34 of this act], amending 19-13-803, must read:

"19-13-803. Amount of disability retirement benefit. (1) A Except as provided in subsection (3), a member hired before July 1, 1981, who becomes disabled:

(a) before completing 20 years of membership service must receive a disability retirement benefit equal to one-half the member's last monthly compensation;

(b) after completing 20 years or more of membership service must receive the disability retirement benefit provided in subsection (1)(a) increased at a rate of ~~1%~~ 2% of the member's last monthly compensation for each year of service credit in excess of 20, ~~up to a maximum benefit equal to 60% of the member's last monthly compensation.~~

(2) A Except as provided in subsection (3), a member hired on or after July 1, 1981, who becomes disabled:

(a) before completing 25 years of membership service must receive a disability retirement benefit equal to one-half the member's last monthly compensation;

(b) after completing 25 years or more of membership service must receive the disability retirement benefit provided in subsection (2)(a) increased at a rate of 2% of the member's last monthly compensation for each year of service credit in excess of 25, ~~up to a maximum benefit equal to 60% of the member's last monthly compensation.~~

(3) A member who was hired on or after July 1, 1995, or who has elected to receive a guaranteed annual benefit adjustment under [section 3] and who becomes disabled:

(a) before completing 25 years of membership service must receive a disability retirement benefit equal to one-half the member's final average compensation;

(b) after completing 25 years or more of membership service must receive the disability retirement benefit provided in subsection (3)(a), increased at a rate of 2% of the member's final average compensation for each year of service credit in excess of 25 years.

(4) A member's disability retirement benefit must be paid first to the member during the member's lifetime and, upon the member's death, to the member's surviving spouse. If upon a member's death the member leaves no surviving spouse or upon the death of the surviving spouse, the member's benefit must be paid to the member's dependent children as long as they remain dependent children as defined in 19-13-104."



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

(12) If Senate Bill No. 357 is passed and approved and if it amends 19-13-902, then [section 7 of Senate Bill No. 357], amending 19-13-902, is void and [section 35 of this act], amending 19-13-902, must read:

"19-13-902. Survivorship benefit. (1) Except as provided in subsection (2), the following survivorship benefits apply to members hired before July 1, 1981:

(a) Upon the death before retirement of an active member ~~hired before July 1, 1981~~, the member's surviving spouse, if there is one, must receive a survivorship benefit equal to one-half the last monthly compensation received by the member. If the member leaves one or more dependent children, then, upon the member's death if the member leaves no surviving spouse or upon the death of the surviving spouse, the member's dependent children must collectively receive the same benefit that a surviving spouse would have received, as long as the children remain dependent children as defined in 19-13-104.

(b) If the deceased member completed over 20 years of membership service, the survivorship benefit provided in subsection (1)(a) must be increased at a rate of ~~1%~~ 2% of the last monthly compensation for each year in excess of 20, ~~up to a maximum of 60% of the last monthly compensation received by the member.~~

(2) The following survivorship benefits apply to members hired before July 1, 1981, who have elected the guaranteed annual benefit adjustments provided under [section 3]:

(a) Upon the death before retirement of a an active member ~~hired on or after July 1, 1981~~, the member's surviving spouse, if there is one, must receive a survivorship benefit equal to one-half of the member's final average compensation. If the member leaves one or more dependent children, then, upon the member's death if the member leaves no surviving spouse or upon the death of the surviving spouse, the member's dependent children must collectively receive the same benefit that a surviving spouse would have received, as long as the children remain dependent children as defined in 19-13-104.

(b) If the deceased member completed over 20 years of membership service, the survivorship benefit provided in subsection (1)(a) must be increased at a rate of 2% of the final average compensation for each year in excess of 20 years.

(3) Upon the death before retirement of a member hired on or after July 1, 1981, the member's surviving spouse, if there is one, must receive a survivorship benefit equal to one-half the last monthly compensation received by the member. If the member leaves one or more dependent children, then, upon the member's death if the member leaves no surviving spouse or upon the death of the surviving spouse, the member's dependent children must collectively receive the same benefit that a surviving spouse would have received as long as the children remain dependent children as defined in 19-13-104."

53. Page 20, line 9.

Strike: "(2)"

Insert: "(3)"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):  
SB 126, be amended as follows:

3/8/95

1. Page 2, line 10.

Strike: "THE OFFICE OF LEGISLATIVE FISCAL ANALYST, OR"

2. Page 2, line 11.

Following: "BOARD"

Insert: ", or any legislative agency or committee"

And, as amended, be concurred in. Report adopted.



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 8, 1995

MOTIONS

**HB 268** - Representative Simpkins moved HB 268 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 9, 1995. Motion carried.

House adjourned at 3:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 9, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ellen Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Peck, excused. Quorum present.

Representative Grinde moved the House recess until 1:20 p.m. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

**SPECIAL ORDERS OF THE DAY**

Speaker Mercer introduced Andrea Irey of Bozeman High School. She presented the following speech in honor of Women's History Month:

I am honored to be before you today, speaking in recognition of Women's History Month. This month has been set aside to celebrate the contributions of women like Lucretia Mott, but their first major victory came 75 years ago with the ratification of the 19th Amendment, granting women the right to vote. This victory was due to the efforts and struggles of suffragettes like Elizabeth Cady Stanton and Anna Howard Shaw. Women's suffrage became a stepping stone for future successes, for women felt that only in a true democracy does everyone have voice. As a speech competitor and a young adult I understand the importance of having that voice. 1916 was our own Jeannette Rankin exercised her voice to become the first woman elected to the U.S. Congress, and later the voice became louder with the appointment of Sandra Day O'Connor to the U.S. Supreme Court. Now we are in the 1990's and look around, there are women legislators using their voices to represent Montanans here in Helena. And in Washington D.C. - women are representing Americans there as well, and who knows? Some day we may even have a woman president, although some feel we already do. I can say that because I am a great admirer of Hillary Clinton. Seeing the successes of these women, I realize the opportunities my future holds are endless; and as I face the next step of my life, the words of Susan B. Anthony help me to understand that the only fear I need to have is not standing by the thing I believe is right.

In my life right now I am not limited to gender-specific classes in school nor am I limited to gender-specific extracurricular activities after school. In fact the 35-member Bozeman High state championship speech and debate team consists of 14 boys and 21 girls. And as I pursue my future aspirations, I know that I will not be limited to gender-specific occupations either. Not only do I owe these opportunities to the women of our history who struggled to make my future better, but also to legislators like yourselves who serve here in this Capitol building to make the future for Montanans better. I recognize from the example set by these women as well as by all of you, that the ideal I too should strive for is making the future better for later generations. In the words of poet Ralph Waldo Emerson, "to know that one life has breathed easier because I have lived is to have succeeded."

Thank you.

Andrea Irey was escorted from the Chamber by Representatives Menahan and Barnhart.



HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

3/9/95

Correctly engrossed for third reading: HB 304.

Correctly enrolled: HB 63, HB 161, HB 179, HB 208, HB 212, HB 278, HB 324.

Examined by the sponsor and found to be correct: HB 63, HB 161, HB 179, HB 208, HB 212, HB 278, HB 324.

Signed by the Speaker at 6:17 p.m., 3/8/95: HB 180, HB 310, HB 316, HB 379.

Delivered to the Governor for his approval at 11:00 a.m., 3/9/95: HB 61, HB 69, HB 97, HB 99, HB 104, HB 105, HB 115, HB 146, HB 147, HB 148, HB 151, HB 163, HB 168, HB 173, HB 174, HB 175, HB 205, HB 216, HB 243, HB 250, HB 284, HB 285, HB 288, HB 291, HB 298.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/8/95

**HB 161**, introduced by Curtiss

**HB 179**, introduced by Feland

**HB 208**, introduced by Cobb

**HB 212**, introduced by Anderson

**HB 278**, introduced by Holland

**HB 324**, introduced by Simpkins

House bill not concurred in and returned to the House:

3/8/95

**HB 135**, introduced by Cobb

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/8/95

**HB 137**, introduced by Story

**HB 252**, introduced by Squires

House amendments to Senate bill concurred in:

**SB 94**, introduced by L. Nelson

Senate bills passed and transmitted to the House for concurrence:

3/8/95

**SB 313**, introduced by Mesaros

**SB 397**, introduced by Eck

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 589**, introduced by Grady, referred to Committee on Taxation.

**HB 590**, introduced by Fuchs, referred to Committee on Taxation.

**HB 591**, introduced by Wiseman, referred to Committee on Taxation.

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

**HB 592**, introduced by Jore, referred to Committee on Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 313**, introduced by Mesaros, referred to Committee on Business & Labor.

**SB 397**, introduced by Eck, referred to Committee on Taxation.

**SPECIAL ORDERS OF THE DAY**

Speaker Mercer introduced nine legislators from far eastern Russia, all of whom are Speakers of Legislative Assemblies. They briefly addressed the House and presented Speaker Mercer with a medal as a symbol of new found peace and friendship. Listed below are the nine legislators:

Mr. Nikolai Pavlovich Baryshnikov, Speaker, Tyumen Oblast Legislative Assembly  
Mr. Gennady Timofeyevich Khripel, Speaker, Vologda Oblast Legislative Assembly  
Mr. Boris Alekseyevich Maltsev, Speaker, Tomsk Oblast Legislative Assembly  
Mr. Viktor Alekseyevich Ozerov, Speaker, Khabarovsk Krai Legislative Assembly  
Mr. Anatoly Pavlovich Sychyev, Speaker, Novosibirsk Oblast Legislative Assembly  
Mr. Vladimir Alekseyevich Varnavsky, Speaker, Omsk Oblast Legislative Assembly  
Mr. Stanislav Vasilyevich Yermachenko, Speaker, Krasnoyarsk Krai Legislative Assembly  
Mr. Ivan Zigmundovich Zelent, Speaker, Irkutsk Oblast Legislative Assembly  
Mr. Nikolai Andreyevich Babin, Speaker, Yamalo-Nenets Autonomous Republic Legislative Assembly

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ohs in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 565** - Representative Ellis moved HB 565 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Cocchiarella, Fisher, Hagener, Larson, Wyatt.

Total 5

Voted Absentee: Peck, Aye.

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Excused: None.  
Total 0

Absent or not voting: Kottel, Ohs.  
Total 2

**HB 570** - Representative Wiseman moved HB 570 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Cocchiarella, Hurdle.  
Total 2

Voted Absentee: Peck, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 38** - Representative Simon moved SB 38 be concurred in.

Representative R. Johnson moved SB 38, second reading copy, be amended as follows (amendment #1):

1. The House Standing Committee Report amendment no. 5 is amended as follows:  
The last sentence of the inserted material is amended to read:

"The department shall secure the ~~most favorable~~ same collateral position ~~possible on any~~ as the financial institution participating in the job investment loan."

Amendment #1 carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila,



HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 81

Noes: Barnett, Devaney, Forbes, Grinde, Herron, Hibbard, Kitzenberg, Knox, McKee, Ohs, Pavlovich, Rehbein, Simon, Sliter, Trexler, Mr. Speaker.  
Total 16

Excused: Peck.  
Total 1

Absent or not voting: Orr, Ream.  
Total 2

Representative R. Johnson moved SB 38, second reading copy, be further amended as follows (amendment #2):

1. Title, line 6.  
Strike: "\$8"  
Insert: "\$4"

2. Page 5, line 9.  
Strike: "\$15.5"  
Insert: "\$11.5"

3. Page 5, line 16.  
Strike: "~~\$8~~"  
Insert: "\$4"

Amendment #2 passed as follows:

Ayes: Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Galvin, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock, Nelson, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 74

Noes: Ahner, Barnett, Denny, Devaney, Forbes, Fuchs, Green, Grinde, H.S. Hanson, Herron, Hibbard, Kitzenberg, Knox, Larson, McKee, Ohs, Pavlovich, Rehbein, Simon, Sliter, Somerville, Wagner, Mr. Speaker.  
Total 23

Excused: Peck.  
Total 1

Absent or not voting: Molnar, Orr.  
Total 2

Representative Orr excused at this time.

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Representative Simon moved SB 38, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Quilici, Rehbein, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Stovall, Swanson, Tash, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Arnott, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, M. Hanson, Harper, Harrington, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, McCann, McCulloch, Murdock, Nelson, Peck, Raney, Ream, Rose, Ryan, Schwinden, Shea, S. Smith, Squires, Story, Taylor, Tropila, Tuss, Vick, Wennemar, Wyatt.

Total 43

Voted Absentee: Orr, Aye; Peck, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ohs moved that the Committee of the Whole report be adopted. Report adopted. (76-13)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 229** - as amended by the Senate concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 29

Voted Absentee: Orr, Peck, Ayes.

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 304** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Harrington, Heavy Runner, Larson, Menahan, Pavlovich, Wennemar.

Total 6

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman, McGee, Sliter, Wyatt.

Total 4

**SB 22** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Hurdle.

Total 1

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1



HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Absent or not voting: Bergman.

Total 1

**SB 150** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, DeBruycker, Ellis, Jore, Kasten, McGee, Rehbein.

Total 7

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman, Tropila.

Total 2

**SB 240** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, Fisher, Rehbein.

Total 3

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman.

Total 1

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

**SB 255** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Jore, McGee, Mills, Rehbein.

Total 5

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman.

Total 1

**SB 384** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Jore, Wagner.

Total 3

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman, Hagener.

Total 2

**SB 392** concurred in as follows:

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Clark, Cobb, DeBruycker, Jore, Keenan, McCann, Vick.

Total 9

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman.

Total 1

**SB 400** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Boharski, Cobb, DeBruycker, Fisher, Green, Jore, Rose, S. Smith, Wagner.

Total 10

Voted Absentee: Peck, Aye.

Excused: Orr.

Total 1

Absent or not voting: Bergman, Forbes.

Total 2

**HB 142** - as amended by the Senate concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady,



HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Brainard, DeBruycker, Feland, Jore, McGee, Orr, Rehbein, S. Smith, Vick, Wagner.  
Total 10

Voted Absentee: Peck, Aye; Orr, No.

Excused: None.  
Total 0

Absent or not voting: Bergman.  
Total 1

**REPORTS OF STANDING COMMITTEES**

BUSINESS & LABOR (Simon, Chairman): 3/9/95  
SB 253, be concurred in. Report adopted.

SB 317, be concurred in. Report adopted.

SB 374, be amended as follows:

1. Title, lines 8 and 9.

Following: "~~CHARGE~~;"

Strike: remainder of line 8 through "~~CHARGE~~" on line 9

Insert: "PROVIDING THE STATE FUND BOARD OF DIRECTORS WITH DISCRETION TO ASSESS A  
POLICY CHARGE, A MINIMUM PREMIUM, OR BOTH, IN LIEU OF A MINIMUM YEARLY  
PREMIUM"

2. Title, lines 10 and 11.

Following: "COVERAGE;"

Strike: remainder of line 10 through "COST;" on line 11

3. Page 2, line 5.

Strike: "it"

Following: "~~must~~"

Insert: "the state fund"

4. Page 2, line 6.

Following: "39-71-2341"

Insert: "and the board of directors may, in its discretion, assess a policy charge, a minimum premium, or both"

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

5. Page 2, line 22

Following: "board."

Strike: "The state fund may"

6. Page 2, lines 25 through 27.

Strike: ", " on line 25 through "COSTS." on line 27

7. Page 3, lines 1 through 5.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

8. Page 3, lines 17 and 18.

Following: "organization" on line 17

Strike: remainder of line 17 through "PART 4," on line 18

Insert: ", as provided in Title 33, chapter 16, part 10,"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/9/95

**SB 147**, be amended as follows:

1. Page 2, lines 1 through 4.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsections

2. Page 2, line 14.

Strike: "IMMEDIATE FAMILY"

3. Page 3, lines 11 and 12.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

4. Page 5.

Following: line 5

Insert: "(e) sell, lease, or otherwise dispose of water impounded under this chapter;"

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

**SB 200**, be amended as follows:

1. Title, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 3, line 24.

Following: "PART."

Insert: "For the purposes of 75-10-715(7), the term does not include the state, a state agency, or a political

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

subdivision of the state acting as trustee of natural resources within the state of Montana."

3. Page 4, line 13.

Following: "~~such~~"

Insert: "such"

4. Page 7, line 3.

Strike: "75-10-711(5)"

Insert: "this part"

5. Page 14, line 21.

Strike: "THAT"

6. Page 15, line 16.

Following: "INTEREST,"

Insert: "actually"

7. Page 15, line 20.

Strike: "BUT NOT"

Insert: "as opposed to"

8. Page 17.

Following: line 7

Strike: "NEW SECTION. Section 6. Applicability. [This act] does not apply to civil actions commenced prior to the [effective date of this act] or to the claims upon which such civil actions are based."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/9/95

SB 221, be concurred in. Report adopted.

SB 357, be amended as follows:

1. Page 3, line 1.

Strike: "10"

Insert: "20"

2. Page 3, line 19.

After: "years"

Insert: "but less than 20 years"

3. Page 6, line 15.

Strike: "25"

Insert: "20"

4. Page 6, line 28 through Page 7, line 3.

Strike: section 10 in its entirety



HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 9, 1995

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**MOTIONS**

**HB 319 SA** - Representative Tropila moved the House reconsider its action on HB 319 as amended by the Senate taken on second reading the previous legislative day. Motion carried.

**SB 339** - Representative Tuss moved SB 339 be taken from the Committee on Select Health Care and rereferred to the Committee on Human Services & Aging. Motion carried.

**HB 295** - Representative Holland moved the House return HB 295 to the Senate for the purpose of amendment upon request of the Senate. Motion carried.

**HB 400** - Representative Squires moved she be allowed to change her vote on HB 400, third reading, from not voting to aye. Motion carried.

**SB 221** - Representative Simpkins moved SB 221 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**SB 357** - Representative Simpkins moved SB 357 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**SJR 6** - Representative Brainard moved that he be removed as a sponsor of SJR 6. Motion carried.

**SB 370** - Representative Brainard moved that he be removed as a sponsor of SB 370. Motion carried.

**HB 304** - Representative Kitzenberg moved he be allowed to change his vote on HB 304, third reading, from nay to aye. Motion carried.

**SB 370** - Representative Simpkins moved that he be removed as a sponsor of SB 370. Motion carried.

**SJR 13** - Representative Simpkins moved that he be removed as a sponsor of SJR 13. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 10, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 10, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative John Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ellingson, Fuchs, Grimes, T. Nelson, Orr, Ryan, Sliter, Swanson, Tuss, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-fourth legislative day, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Travis Ahner, Helena  
Chris Bradley, Laurel  
Kody Hert, Hysham  
Tysen Gannon, Butte  
Ricco Martinez, Billings  
Kristin Madler, Baker  
Holli Shonkwiler, Hamilton  
Ticia Chada, Polson (permanent page)  
Tobin Addington, Bonner (permanent page)

Honorary Pages

Libby Luke, Helena  
Christina Hanson, Helena  
Nick Janeway, Polson  
Holly Smith, Deer Lodge  
Aislinn Addington, Bonner

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/10/95

Correctly printed for second reading: HB 2, HB 545, HB 562, HJR 27.

Correctly engrossed for third reading: HB 565, HB 570.

Correctly enrolled: HB 113, HB 136, HB 142, HB 204, HB 229, HB 282, HB 321, HB 331, HB 333, HB 334, HB 337, HB 455, HB 502.

Examined by the sponsor and found to be correct: HB 113, HB 136, HB 142, HB 204, HB 229, HB 282, HB 321, HB 331, HB 333, HB 334, HB 337, HB 455, HB 502.

Delivered to the Governor for his approval at 4:00 p.m., 3/9/95: HB 46, HB 180, HB 310, HB 316, HB 379.

FISH & GAME (Wagner, Chairman):

3/10/95

**SB 303**, be amended as follows:

1. Title, line 5.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Strike: "MOTORBOAT"

Insert: "PERSONAL WATERCRAFT"

2. Title, line 7.

Strike: "WITH CERTAIN EXCEPTIONS"

3. Title, lines 8 and 9.

Following: "23-2-523" on line 8

Strike: remainder of line 8 through "23-2-525," on line 9

4. Page 3, line 17 through page 4, line 14.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

3/9/95

SB 181, be amended as follows:

1. Title, line 6.

Following: "ADVERTISING;"

Insert: "REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;"

2. Title, line 8.

Following: "75-15-103"

Insert: "75-15-103, 75-15-105,"

3. Page 3.

Following: line 15

Insert: "Section 4. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities ~~shall be~~ are considered commercial or industrial:

- (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;
- (b) transient or temporary activities;
- (c) activities not visible from the main-traveled way;
- (d) activities conducted in a building principally used as a residence;
- (e) railroad tracks and minor sidings;
- (f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area ~~which that~~ which is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, ~~or~~ or regulations, or enabling state legislation ~~or state legislation itself~~, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 ~~shall are not be considered as~~ are covered by this definition.

(3) "Commission" means the highway commission of Montana.



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

(4) "Department" means the department of transportation.

(5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing ~~such~~ other information ~~as~~ that the commission may consider desirable.

(6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal, state, county, city, or other route.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this state as officially designated or as may ~~hereafter~~ be ~~so~~ designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(8) "Maintain" means to allow to exist, subject to the provisions of this part.

(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.

(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary systems.

(11) "Primary system" means that portion of connected main highways as officially designated or as may ~~hereafter~~ be ~~so~~ designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(12) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way, by or under public supervision or control, for the convenience of the traveling public.

(13) "Secretary" means the secretary of the United States department of transportation.

(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance ~~which~~ that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities ~~and those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right of way; provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the commission.~~

(15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, ~~having~~ that has a population of 5,000 or more and that is within boundaries fixed by the department, ~~which~~ The boundaries ~~shall as must at~~ a minimum encompass the entire urban place designated by ~~said~~ said the bureau of the census.

(16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual acuity."

Section 5. Section 75-15-105, MCA, is amended to read:

"75-15-105. Relaxation of regulations if federal law changed. In the event the general requirements of Title 23, United States Code, "Highways", or existing rules and regulations of the United States department of transportation become amended or changed to less restrictive conditions than presently exist, then the commission ~~must~~ shall amend or change ~~such~~ the rules that it may have adopted to come into conformity with the federal law, rule, and regulation; ~~however, in no event shall this part become more restrictive than is indicated herein by said federal action.~~"

Renumber: subsequent sections

6. Page 4.

Following: line 22.

Insert: "(4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in existence on [the effective date of this act], that meets the size requirements in 75-15-113, but that exceeds the restrictions in subsection (1)(e) of this section:

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

- (a) must be classified as nonconforming by the department;
- (b) may not be increased in size;
- (c) may be maintained each year if the value of the materials used in the maintenance does not exceed 75% of the value of all of the materials required to replace the sign new; and
- (d) may be replaced, if damaged, at up to and including 100% of its replacement cost."

And, as amended, be concurred in. Report adopted.

**SB 205**, be concurred in. Report adopted.

**SB 245**, be concurred in. Report adopted.

**SB 355**, be amended as follows:

1. Page 4, line 6.

Strike: "board of directors of the Montana tow truck association"

Insert: "tow truck industry"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/9/95

**SB 211**, be amended as follows:

1. Page 1, line 27.

Strike: "directly".

And, as amended, be concurred in. Report adopted.

**SB 286**, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/10/95

**SB 337**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/9/95

**HB 113**, introduced by Ewer

**HB 136**, introduced by Ellis

**HB 204**, introduced by Tropila

**HB 282**, introduced by Ewer

**HB 321**, introduced by Ewer

**HB 331**, introduced by Kottel

**HB 333**, introduced by Kasten

**HB 334**, introduced by Kasten

**HB 337**, introduced by Cobb

**HB 455**, introduced by Bergman

**HB 502**, introduced by Cocchiarella

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

House bill not concurred in and returned to the House: 3/9/95

**HB 234**, introduced by Hibbard

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/95

**HB 294**, introduced by Ohs

**HB 325**, introduced by Simpkins

**HB 326**, introduced by Cocchiarella

**HB 360**, introduced by Quilici

**HB 556**, introduced by Simon

House bill requested to be returned for further consideration:

3/9/95

**HB 135**, introduced by Cobb

The Senate, on 3/8/95, failed to concur in House amendments to SB 56 and appointed a Joint Conference Committee, requesting that the House appoint a like committee to confer on House amendments to SB 56.

President Brown appointed the following members:

Senator Crippen, Chairman

Senator Beck

Senator Stang

House amendments to Senate bills concurred in:

**SB 171**, introduced by Franklin

**SB 239**, introduced by Van Valkenburg

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer

March 9, 1995

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 31 sponsored by Representative Ewer on March 9, 1995.

Sincerely,

MARC RACICOT

Governor

The Honorable John Mercer

March 9, 1995

Speaker of the House



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 47 sponsored by Representative Larson on March 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 119 sponsored by Representative Quilici et al. on March 9, 1995.

Sincerely,

MARC RACICOT  
Governor

Representative Grinde moved the House recess until 1:45 p.m. Motion carried.

House recessed at 1:15 p.m.

House reconvened at 1:50 p.m. Mr. Speaker in the Chair.

Representatives Fuchs and Sliter present at this time.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Shea in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 574** - Representative Rehbein moved HB 574, second reading copy, be amended as follows (amendment #1):

1. Title, line 29.

Following: "DATES"

Insert: AND A TERMINATION DATE"

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

2. Page 35, line 26.

Following: line 25.

Insert: NEW SECTION. Section 46. Termination. [Section 37] terminates June 30, 1997.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Fisher, Forbes, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Cocchiarella, Galvin, Hagener, Harrington, Hurdle, Kottel, Shea, Wyatt.

Total 8

Excused: Ellingson, Grimes, Nelson, Orr, Ryan, Swanson, Tuss.

Total 7

Absent or not voting: Feland, Fuchs.

Total 2

Representative Rehbein moved HB 574, second reading copy, be further amended as follows (amendment #2):

1. Page 8, line 23.

Following: "means a"

Strike: "retail"

2. Page 8, line 24.

Following: "at".

Insert: "either the posted or"

Following: "retail"

Insert: "price"

3. Page 9, line 20.

Following: "means the"

Strike: "retail"

Insert: "wholesale"

Following: "liquor"

Strike: "and table wine"

Insert: "for sale to persons who hold liquor licenses"

4. Page 9, line 25.

Following: line 25

Insert: (19) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

Renumber: subsequent subsections

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

5. Page 14, line 10.

Following: "other than"

Strike: "final"

Following: "sale to"

Insert: "persons who hold liquor licenses at the posted price and sale to"

6. Page 14, line 11.

Following: "the"

Strike: "prevailing state retail prices"

Insert: "retail price established by the agent"

7. Page 15, line 13.

Following: "feasible for the"

Insert: "wholesale and retail"

8. Page 15, line 19.

Following: "fix the"

Insert: "posted"

9. Page 15, line 20.

Following: "be sold, and"

Insert: "the posted"

10. Page 15, line 23.

Following: "state posted price"

Insert: "to persons who hold liquor licenses and to all other persons at the retail price established by the agent"

11. Page 16, lines 20 and 21.

Strike: "THE DEPARTMENT SHALL NEGOTIATE COMMISSIONS WITH AGENCY STORES, AND AGENCY"

Insert: "Agency"

12. Page 16, line 22.

Strike: "COMMISSION OF 10% OR MORE, BUT NOT TO EXCEED 15%."

Insert: "10% commission"

13. Page 19, line 8.

Strike: "prices different from the state published price or provides different discounts"

Insert: "retail prices that are less than the department's posted price for liquor, sells liquor to persons who hold liquor licenses at less than the posted price, or sells liquor at case discounts greater than the discount provided for in 16-2-201 to persons who hold liquor licenses"

14. Page 22, line 16.

Following: "sales of liquor."

Insert: "(1)"

Following: "8% of the"

Strike: "retail"

Insert: "posted"



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

15. Page 22,

Following: line 19

Insert: "(2) This section does not prevent an agent from providing purchase discounts or selling liquor to any other person at a price less than the agent's established retail price. However, an agent is prohibited from selling liquor to any person at a price less than the department's posted price."

16. Page 24, line 14.

Following: "established by the"

Strike: "store"

Insert: "department"

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 36

Voted Absentee: Nelson, Orr, Ayes; Ellingson, Ryan, Swanson, Tuss, Noes.

Excused: Grimes.

Total 1

Absent or not voting: None.

Total 0

Representative Rehbein moved HB 574, second reading copy, be further amended as follows (amendment #3):

1. Title, lines 23 and 24.

Following: "MARKET AREA AGREE;"

Strike: "PROVIDING TIME LIMITS RELATING TO GRANTING OR DENYING A LICENSE;"

2. Title, line 27.

Following: "16-4-105,"

Strike: "16-4-207," and "16-4-405,"

3. Page 28, line 12 through page 29, line 14.

Strike: Section 36 in its entirety

Renumber: subsequent sections

4. Page 32, line 18.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Strike: Section 38 in its entirety  
Renumber: subsequent sections

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Voted Absentee: Nelson, Orr, Ayes; Ellingson, Ryan, Tuss, Noes.

Excused: Grimes, Swanson.

Total 2

Absent or not voting: None.

Total 0

Representative Rehbein moved HB 574, second reading copy, be further amended as follows (amendment #4):

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "STORES;"

2. Page 2, lines 3 and 7.

Strike: "8"

Insert: "6"

3. Page 2, line 26 through page 3, line 15.

Strike: Section 3 in its entirety

Renumber: subsequent sections

4. Page 3, line 19.

Strike: "either [section 2] or [section 3]"

Insert: "[section 2]"

5. Page 3, line 26.

Strike: "preference rights and"

6. Page 3, line 28.

Strike: "8"

Insert: "6"

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

7. Page 4, lines 1, 9, and 27.

Strike: "8"

Insert: "6"

8. Page 4, lines 10 through 25.

Strike: Subsection (2) in its entirety

Renumber: subsequent subsections

9. Page 5, line 1 through page 6, line 1.

Strike: Section 6 in its entirety

Renumber: subsequent sections

10. Page 6, line 4.

Strike: "9"

Insert: "7"

11. Page 6, lines 8 and 9.

Strike: "8"

Insert: "6"

12. Page 35, lines 19 and 21.

Strike: "9 and 10"

Insert: "7 and 8"

13. Page 35, line 25.

Strike: "26"

Insert: "24"

Amendment #4 passed as follows:

Ayes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Ahner, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 43

Voted Absentee: Nelson, Orr, Ayes; Ellingson, Ryan, Swanson, Tuss, Noes.

Excused: Grimes.

Total 1

Absent or not voting: None.



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Total 0

Representative Rehbein moved HB 574, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 37

Voted Absentee: Grimes, Nelson, Orr, Ayes; Ellingson, Ryan, Swanson, Tuss, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Cobb excused at this time.

**HB 524** - Representative McKee moved HB 524 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Fisher, Fuchs, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Marshall, Masolo, McKee, Murdock, Nelson, Ohs, Ream, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Somerville, Story, Swanson, Taylor, Wells, Wennemar, Wyatt, Mr. Speaker.

Total 54

Noes: Barnett, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Denny, Elliott, Feland, Forbes, Galvin, Green, Grimes, Grinde, Hayne, Jore, Kasten, Knox, Larson, Martinez, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, Simpkins, Soft, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wiseman, Zook.

Total 45

Voted Absentee: Ellingson, Nelson, Swanson, Ayes; Cobb, Grimes, Orr, Ryan, Tuss, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Absent or not voting: Arnott.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Shea moved that the Committee of the Whole report be adopted. Report adopted. (73-11)

Representative Curtiss excused at this time.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 565** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Arnott, Cocchiarella, Fisher, Hagener, Wyatt.  
Total 5

Voted Absentee: Curtiss, Ellingson, Grimes, Nelson, Ryan, Swanson, Tuss, Ayes.

Excused: Cobb, Orr.  
Total 2

Absent or not voting: Fuchs.  
Total 1

**HB 570** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Noes: Hurdle.  
Total 1

Voted Absentee: Curtiss, Ellingson, Grimes, Nelson, Orr, Ryan, Swanson, Tuss, Ayes.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

APPROPRIATIONS (Zook, Chairman):  
**HB 2**, introduced bill, be amended as follows:

3/10/95

Strike everything after the enacting clause and insert:



NEW SECTION. Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 1995".

NEW SECTION. Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 1997 biennium, are adopted as legislative intent.

NEW SECTION. Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. Section 4. Legislative audit costs. Amounts appropriated to pay audit costs may be transferred between fiscal years. Agencies shall reserve enough cash in each fund and shall, to the maximum extent allowable under federal regulations, charge audit costs to federal funds.

NEW SECTION. Section 5. Technical allocation costs. For agencies with internal cost allocation plans that are funded with proprietary revenue, the budget director shall adjust agency appropriations by amounts that are necessary to increase the budgets for indirect costs that are attributable to pay increases in an agency's indirect cost pool appropriated in the state pay plan bill. Funding for this appropriation consists of general fund money and other funds in an amount proportionate to the funding allocated for budgeting indirect cost assessments in [this act].

NEW SECTION. Section 6. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 1999 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. Section 7. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

NEW SECTION. Section 8. Personal services funding -- 1999 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 1999 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity for each fiscal year must be shown for each control variable in the budget request for the 1999 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

NEW SECTION. Section 9. Performance-based budgeting pilot projects. (1) The executive branch is encouraged to expand the current performance-based

budgeting pilot project for the 1999 biennium. The legislature recommends that the following state programs and functions be considered for participation:

<u>Agency</u>	<u>Program</u>
Governor's Office	Citizen's Advocate
Secretary of State	Business and Government Services
Revenue	Corporate Tax
Transportation	Motor Pool
Social and Rehabilitation Services	Child Support Enforcement
Labor and Industry	Job Service
Labor and Industry	Human Rights Commission
Commerce	Building Codes
Fish, Wildlife, and Parks	Enforcement
State Lands	Forestry
Justice	Driver License Services
Corrections and Human Services	Chemical Dependency
Historical Society	Historic Preservation
Commissioner of Higher Education	Student Assistance

(2) Participating agencies shall include proposed performance measures, developed in accordance with office of budget and program planning guidance, with budget documents submitted under 17-7-112.

NEW SECTION. Section 10. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. Section 11. Effective date. [This act] is effective July 1, 1995.

NEW SECTION. Section 12. Appropriations. The following money is appropriated for the respective fiscal years:

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
A. GENERAL GOVERNMENT AND TRANSPORTATION													
LEGISLATIVE AUDITOR (1101)													
1.	Audit and Examination Program (01)												
		1,391,527	1,243,232				2,634,759	1,406,699	1,243,125				2,649,824
Total													
		1,391,527	1,243,232				2,634,759	1,406,699	1,243,125				2,649,824
LEGISLATIVE FISCAL ANALYST (1102)													
1.	Analysis and Review (01)												
		791,689					791,689	816,993					816,993
a.	Legislative Requests (Restricted/Biennial)												
		10,000					10,000						
Total													
		801,689					801,689	816,993					816,993
LEGISLATIVE COUNCIL (1104)													
1.	Interim Studies and Conferences (05)												
a.	Interim Studies (Biennial)												
		70,947					70,947	70,947					70,947
2.	Legislative Council Operations (10)												
		2,193,380	955,140				3,148,520	2,687,147	462,305				3,149,452
Total													
		2,264,327	955,140				3,219,467	2,758,094	462,305				3,220,399
Individual activities in the interim studies program are budgeted as follows:													
Joint Interim Committees												\$44,000	



		Fiscal 1996			Fiscal 1997						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
The legislative council may allocate money appropriated in item 1a among the individual activities listed above in order to complete work assigned by the legislature.											
ENVIRONMENTAL QUALITY COUNCIL (1111)											
1.	Environmental Quality Program (01)										
						274,789	272,493				272,493
2.	Water Policy Committee (02)										
a.	Water Policy Committee (Biennial)										
						13,966				14,117	14,117
Total											
		274,789	13,966		288,755	272,493	14,117				286,610
CONSUMER COUNSEL (1112)											
1.	Administration Program (01)										
						908,198				925,665	925,665
a.	Consultant Contingency (Restricted)										
						100,000				100,000	100,000
Total											
		1,008,198			1,008,198					1,025,665	1,025,665
JUDICIARY (2110)											

		Fiscal 1996					Fiscal 1997						
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1.	Supreme Court Operations (01)												
		1,826,155		110,000			1,936,155	1,813,869		110,000			1,923,869
	a. Legislative Audit (Restricted/Biennial)												
		22,727					22,727						
	b. Child Support -- Missoula Pilot (Restricted/Biennial/OTO)												
			12,500	12,500			25,000						
2.	Boards and Commissions (02)												
		212,126					212,126	212,364					212,364
3.	Law Library (03)												
		555,872					555,872	556,241					556,241
4.	District Court Operations (04)												
		2,971,595					2,971,595	2,969,337					2,969,337
5.	Water Courts Supervision (05)												
			519,820				519,820		518,569				518,569
6.	Clerk of Court (06)												
		189,821					189,821	190,666					190,666
Total													
		5,778,296	532,320	122,500			6,433,116	5,742,477	518,569	110,000			6,371,046
GOVERNOR'S OFFICE (3101)													
1.	Executive Office Program (01)												
		975,273	137,914				1,113,187	958,542	138,244				1,096,786
	a. Legislative Audit (Restricted/Biennial)												
		26,579					26,579						
2.	Mansion Maintenance Program (02)												
		57,232					57,232	57,000					57,000

	Fiscal 1996				Fiscal 1997			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
3. Air Transportation Program (03)								
115,268	15,000					130,268	125,627	15,000
140,627								
4. Office of Budget and Program Planning (04)								
863,042	25,000					888,042	869,045	12,500
881,545								
a. Legislative Audit (Restricted/Biennial)								
14,638						14,638		
b. WEFA Contract (Restricted)								
17,000						17,000	17,000	
17,000								
5. Lieutenant Governor (12)								
179,835	107,611					287,446	180,181	109,333
289,514								
6. Citizens' Advocate Office (16)								
61,112	15,000					76,112	56,259	14,693
70,952								
Total								
2,309,979	177,914	122,611				2,610,504	2,263,654	165,744
2,553,424								
OFFICE OF THE SECRETARY OF STATE (3201)								
1. Business and Government Services (01)								
37,119	1,935,137					1,972,256	37,490	1,900,691
1,938,181								
a. Legislative Audit (Restricted/Biennial)								
	22,727					22,727		
Total								
37,119	1,957,864					1,994,983	37,490	1,900,691
1,938,181								
COMMISSIONER OF POLITICAL PRACTICES (3202)								
1. Administration (01)								
249,920						249,920	235,656	
235,656								



		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total
	a. Legislative Audit (Restricted/Biennial)						3,852						
		3,852											
Total													
		253,772					253,772	235,656					235,656
OFFICE OF THE STATE AUDITOR (3401)													
1.	Central Management (01)												
		293,434	19,295		4,765		317,494	293,807	19,415		4,805		318,027
	a. Legislative Audit (Restricted/Biennial)												
		3,282					3,282						
2.	Insurance Program (03)												
		1,185,826	388,118				1,573,944	1,173,397	389,865				1,563,262
	a. Legislative Audit (Restricted/Biennial)												
		14,003					14,003						
3.	Securities (04)												
		352,134	72,175				424,309	352,642	72,158				424,800
	a. Legislative Audit (Restricted/Biennial)												
		4,103					4,103						
4.	Fiscal Control and Management Program (10)												
		143,459	598,219		200,254		941,932	149,487	637,135		198,754		985,376
	a. Legislative Audit (Restricted/Biennial)												
			25,483		2,051		27,534						
Total													
		1,996,241	1,103,290		207,070		3,306,601	1,969,333	1,118,573		203,559		3,291,465

The state auditor shall charge companies directly for examinations and shall abate expenditures.

The state auditor shall charge companies directly for examinations and shall abate expenditures.

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
The state auditor may request a budget amendment for costs incurred due to medicaid HMO complaints.													
DEPARTMENT OF TRANSPORTATION (5401)													
1.	General Operations Program (01)												
		9,511,439		367,692			9,879,131		9,473,115	365,657			9,838,772
a.	Legislative Audit (Restricted/Biennial)												
			87,058				87,058						
b.	Rewire Complex (OTO)												
			189,675				189,675						
c.	Contract Fuels Tax Audit (OTO)												
			184,825				184,825		184,825				184,825
d.	Financial Management (OTO)												
			66,000				66,000		66,000				66,000
e.	Fuels/GWV Tax System (OTO)												
			261,000				261,000		204,000				204,000
2.	Construction Program (02) (Biennial)												
		63,740,593		185,348,433			249,089,026		70,599,578	194,314,685			264,914,263
a.	Metric Conversion (Restricted/OTO)												
		627,110		3,819,237			4,446,347		45,951	69,264			115,215
b.	City Park Rest Areas (Restricted/OTO)												
			400,000				400,000		500,000				500,000
c.	Miscellaneous New Equipment (OTO)												
			260,295				260,295		119,880				119,880
d.	GPS Survey Equipment (OTO)												
			120,000				120,000		120,000				120,000
3.	Maintenance Program (03) (Biennial)												
							57,559,692		58,267,107				58,267,107

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	a.	Hazardous Waste Cleanup (Restricted/OTO)											
			1,000,000				1,000,000		1,000,000				1,000,000
	b.	Radio Equipment (OTO)											
			124,781				124,781		124,781				124,781
4.	State Motor Pool (07)												
					1,934,592		1,934,592				1,821,720		1,821,720
5.	Equipment Program (08)												
					14,977,144		14,977,144				15,445,104		15,445,104
6.	Motor Carrier Services (22)												
			4,175,237				4,175,237		4,106,730				4,106,730
7.	Aeronautics Program (40)												
			728,221	99,000	70,245		897,466		715,233	98,932	70,158		884,323
8.	Transportation Planning (50)												
			852,910	3,667,027			4,519,937		849,744	3,651,221			4,500,965
	a.	Highway Information System (Restricted/OTO)											
			130,000	520,000			650,000						
	b.	McCarty Farms (Biennial/Restricted/OTO)											
			400,000				400,000						

The department may adjust appropriations in the construction and transportation planning programs between state special and federal special revenue fund types, provided that the total state special revenue authority for these programs is not increased by more than 10% of the appropriations established by the legislature. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning, and all fund transfers of over \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

The department is authorized to obtain contributed capital from the highway special revenue account for the motor pool proprietary account for the purpose





Fiscal 1996						Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
operational expenses include all merchandising expenses, including depreciation, plus department overhead allocable to the merchandising system, but do not include product costs and freight charges.											
During the 1997 biennium, the department is encouraged to research and to implement, if possible, new electronic technologies, such as increased use of electronic filing for all tax returns, computer imaging, integration of statewide appraisal systems with statewide geographic information systems, connection to the information superhighway, and any other emerging systems, for the purpose of developing more effective and efficient ways of processing tax data.											
The department is appropriated revenue deposited to the property valuation improvement fund in the 1997 biennium in amounts not to exceed \$250,000 in fiscal year 1996 and \$250,000 in fiscal year 1997.											
The department is authorized to borrow up to \$50,000 from the general fund in the 1997 biennium for the property valuation improvement fund. The department shall repay the loan by the end of the 1997 biennium with interest equal to rates earned by the short-term investment pool.											
DEPARTMENT OF ADMINISTRATION (6101)											
1.	Accounting and Management Support (03)										
	1,187,283	15,000	17,343	169,315	1,388,941	1,182,552	25,000	16,784	170,159		1,394,495
	a.	Legislative Audit (Restricted/Biennial)									
	37,144				37,144						
2.	Architecture and Engineering (04)										
		686,047			686,047		690,039				690,039
	a.	Legislative Audit (Restricted/Biennial)									
		1,365			1,365						
3.	Procurement and Printing (06)										
	407,076			10,107,942	10,515,018	410,802			10,443,072		10,853,874
	a.	Legislative Audit (Restricted/Biennial)									
				21,344	21,344						
4.	Information Services Division (07)										
				18,120,155	18,120,155				17,786,555		17,786,555
	a.	Legislative Audit (Restricted/Biennial)									
				66,890	66,890						





	Fiscal 1996			Fiscal 1997		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. FSA Self-Administration (Restricted)				43,541		43,541
d. Personal Services Contingency (Restricted/Biennial/OTO)						
500,000			1,000,000			1,500,000
8. Risk Management and Tort Defense (24)						
a. Legislative Audit (Restricted/Biennial)		3,074,764				3,074,764
			5,874			5,874
9. State Tax Appeal Board (37)						
396,795			396,795			396,795
			398,937			398,937
Total						
	3,654,741	702,412	217,343	40,906,427	1,058,801	46,539,724
						3,126,795
						715,039
						16,784
						39,996,221
						58,801
						43,913,640

The governor-elect program is appropriated necessary expenses, up to \$50,000 from the general fund in fiscal year 1997, to implement the provisions of 2-15-221.

Funds remaining in the capitol land grant account of the capital projects fund, after all other appropriations are met, are appropriated to the long-range building debt service fund for the payment of principal and interest on bond issues for public buildings at the capitol, not to exceed the annual debt service required on these bonds.

The general fund money appropriated for the general services program is intended for transfer into the general services proprietary account. The present law base in subsequent bienniums must include general fund money at 6.5% of program operating expenses.

The general services division is authorized to build a new parking lot west of the Scott Hart building with funds appropriated in item 5c.

The appropriation in item 7c for self-administration of flexible spending accounts is contingent on the department's determination that self-administration is more cost-effective than contracting with the current provider.

The information services division shall actively pursue federal funding for the SummitNet project. If federal funds become available in the 1997 biennium, the department is authorized to seek a budget amendment to allow expenditure of those funds and shall reduce its proprietary fund appropriation accordingly.

The appropriation provided for the central mail program is contingent on funds being used to attempt to achieve program performance targets as outlined

Fiscal 1996				Fiscal 1997			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total				Total			
Other				Other			
Total				Total			

in the legislative appropriations report for the 1997 biennium. The department shall provide semiannual reports to the office of budget and program planning and the office of the legislative fiscal analyst on progress towards achievement of these performance targets, with explanations for any significant variances.

The department of administration shall develop and submit cost recovery plans for payroll services, information services division services, mail messenger services, publications and graphics services, insurance premiums, general services rent, and the state funds cost allocation plan to the office of budget and program planning and the legislative fiscal analyst by June 1, 1996, for development of the 1999 biennium present law base. The office of budget and program planning shall, in consultation with the legislative fiscal analyst, develop guidelines for the form and content of agency cost recovery plans by May 1, 1996. The (agency) shall develop its cost recovery plan and provide supporting documentation as specified in these guidelines. Agency cost recovery plans must include projected revenue and expenses by line of service and the projected fiscal year-end working capital balances for each applicable accounting entity, unless exempted in office of budget and program planning guidelines.

Item 7d contains biennial appropriations that the department and the office of budget and program planning may allocate to agencies (except the Montana university system) that did not experience normal turnover. The appropriation is subject to the process described below and is in an amount necessary to provide full funding for personal services. In allocating the personal services contingency funds, priority must be given to small agencies. Amounts may be adjusted among fund types, excluding the general fund, which may not be adjusted. An agency requesting an allocation of these funds shall document in its request to the budget director that projected personal services expenditures will exceed program appropriations for personal services and the reasons for the deficit and shall certify that no other budget authority in the agency is available. The office of budget and program planning shall provide an annual report to the legislative finance committee documenting all allocations of these personal services contingency funds.

#### PUBLIC EMPLOYEES' RETIREMENT BOARD (6104)

##### 1. Public Employees' Retirement Program (35)

a. Legislative Audit (Restricted/Biennial)	1,294,945	1,294,945	1,168,613	1,168,613
	46,225	46,225		

Total	1,341,170	1,341,170	1,168,613	1,168,613
-------	-----------	-----------	-----------	-----------

#### TEACHERS' RETIREMENT BOARD (6105)

##### 1. Teachers' Retirement System (01)

		Fiscal 1996				Fiscal 1997						
		State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total
a. Legislative Audit (Restricted/Biennial)												
					681,451	681,451					697,118	697,118
					34,669	34,669						
Total					716,120	716,120					697,118	697,118
TOTAL SECTION A												
41,065,463	146,898,405	194,516,226	60,684,713	3,116,091	446,280,898	40,897,442	152,376,386	198,982,771	60,035,301	1,924,532	454,216,432	



		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
B. HUMAN SERVICES													
DEPARTMENT OF LABOR AND INDUSTRY (6602)													
1.	Job Service Division (01)												
		362,805	5,080,022	20,239,287	46,058		25,728,172	362,805	4,865,961	20,486,576	46,058		25,761,400
a.	Legislative Audit (Restricted/Biennial)												
			18,132	37,119			55,251						
b.	Mail Costs (Restricted)												
				128,313			128,313			128,313			128,313
c.	KIOSK (Restricted/OTO)												
				33,600			33,600			33,600			33,600
d.	Montana Office of Community Service (Biennial)												
		25,000	94,949	125,000			244,949	25,000	94,634	125,000			244,634
2.	Unemployment Insurance (02)												
			443,083	5,231,570	163,964		5,838,617		459,604	5,213,700	168,315		5,841,619
a.	Legislative Audit (Restricted/Biennial)												
			1,079	19,883	338		21,300						
b.	Mail Costs (Restricted)												
				244,017			244,017			277,745			277,745
c.	BeAR (Restricted/OTO)												
				63,164			63,164			63,164			63,164
c.	R&A National Conference (Restricted/OTO)												
				40,000			40,000						
3.	Commissioner's Office/Centralized Services (03)												
							1,471,033				1,466,194		1,466,194
a.	Mail Costs (Restricted)												
							7,991				7,991		7,991

		Fiscal 1996					Fiscal 1997						
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4.	Employment Relations (04)												
	283,999	4,187,066	167,044	368,086			5,006,195	271,999	4,177,971	171,838	385,810		5,007,618
a.	Legislative Audit (Restricted/Biennial)												
		13,923	690	1,699			16,312						
b.	Management Information System (Restricted/OTO)												
		24,463	694	3,323			28,480						
c.	Workers' Compensation Data Base Development (Restricted/OTO)												
		105,452					105,452						
5.	Legal Services Division (06)												
		604,814	353,416	106,108			1,064,338		600,956	349,772	105,431		1,056,159
a.	Legislative Audit (Restricted/Biennial)												
		2,086	1,208	366			3,660						
b.	Mail Costs (Restricted)												
			4,765				4,765			4,765			4,765
6.	Human Rights Commission (08)												
	545,761	22,000	205,673				773,434	546,741	22,000	205,814			774,555
a.	Legislative Audit (Restricted/Biennial)												
	1,834		786				2,620						
7.	Workers' Compensation Court (09)												
		356,438					356,438		356,064				356,064
a.	Legislative Audit (Restricted/Biennial)												
		1,014					1,014						

Total

1,219,399 10,954,521 26,896,229 2,168,966 41,239,115 1,206,545 10,577,190 27,060,287 2,179,799 41,023,821

Funds appropriated for item 1c must be used for telephone equipment charges and long distance charges associated with operating KIOSK and computerized

Fiscal 1996						Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
<p>information centers. The legislature intends the department to coordinate with other state agencies, counties, cities, and towns to the greatest extent possible to fully utilize the capacity and capabilities of the KIOSK and computerized information centers that will be installed throughout the state. The department shall report on the usage and effectiveness of the KIOSK and computerized information centers to the 55th legislature. Because these funds are approved on a one-time-only basis, the department shall request and justify similar funding in a new proposal for the 1999 biennium if it intends to continue operating the KIOSK and computerized information centers past the 1997 biennium.</p> <p>State special revenue appropriated for item 1d must come only from donations, contributions, or grants. In preparing the 1999 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst may not include general fund money in the proposed present law funding for the Montana office of community service.</p> <p>The commissioner of labor and industry and the budget director of the office of budget and program planning shall transfer from the employment security trust account to the unemployment trust fund account the amount of funds determined to be in excess of the amount needed to fund the department programs for the 1997 biennium. This transfer must be made no later than October 1, 1996.</p>											
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (6901)											
1. Family Assistance (01)											
3,661,702	137,500	23,333,569			27,132,771	4,340,309	70,000	24,093,494			28,503,803
a. JOBS Benefits											
	235,119	604,593			839,712		235,119	604,593			839,712
b. AFDC Benefits											
14,214,373	1,389,581	35,981,460			51,585,414	14,018,403	2,535,905	36,893,510			53,447,818
2. Eligibility Determination Program (03)											
	2,736,364	2,833,040			5,569,404		2,766,831	2,863,977			5,630,808
3. Director's Office (04)											
219,993	68,964	337,985			626,942	220,969	69,269	339,483			629,721
4. Child Support Enforcement (05)											
782,273	2,396,525	6,242,092			9,420,890	1,013,035	2,408,457	6,717,324			10,138,816
5. State-Assumed County Administration (06)											
3,349,458		3,430,542			6,780,000	3,405,485		3,486,910			6,892,395



		Fiscal 1996				Fiscal 1997						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	a.	County Pilot Project (Restricted/OTO)										
		70,000				70,000	70,000					70,000
6.	Medical Assistance (07)											
	77,091,371	15,839,808	253,018,859			345,950,038	84,729,354	14,093,669	265,118,544			363,941,567
	a.	Contract/Develop RBRV's System (Biennial)										
		50,000		50,000		100,000						
	b.	Pediatric Dental Consultant/Orthodontia Consultant										
		500		500		1,000	500		500			1,000
	c.	Local Health Care Providers (Biennial)										
				1,300,000		1,300,000						
	d.	Hospital Rate Increase										
	149,811		345,269			495,080	286,812		638,388			925,200
	e.	Nursing Home Rate Increase										
	478,762		1,103,398			1,582,160	916,839		2,040,706			2,957,545
	f.	Dental Rate Increase -- Children's Services (Restricted)										
	257,304		593,006			850,310	287,952		640,926			928,878
7.	TDD Program (08)											
			676,058			676,058		734,716				734,716
8.	Operations and Technology Division (09)											
	4,566,038	1,517,572	7,822,164			13,905,774	4,194,720	1,487,311	7,399,011			13,081,042
	a.	Legislative Audit (Restricted/Biennial)										
	84,007	5,432	91,610			181,049						
	b.	Welfare Fraud Transfer										
	100,000		300,000			400,000	100,000		300,000			400,000
9.	Vocational Rehabilitation Program (10)											
	2,379,870	192,087	8,927,243			11,499,200	2,457,621	192,087	9,076,037			11,725,745

	Fiscal 1996			Fiscal 1997		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
			Other			Other
			Total			Total
10. Disability Determination Program (11)						
			3,227,187		3,319,142	3,319,142
11. Visual Services Program (13)						
	332,916	1,169,434	1,502,350		1,184,463	1,522,513
12. Developmental Disabilities Program (14)						
18,583,975		25,142,813	43,726,788		25,430,452	44,402,465
a. Personal Care in Group Homes			2,315,900		2,299,475	2,299,475
b. Increased Federal Authority			1,000,000		1,000,000	1,000,000
c. Provider Rate Increase						
750,858		431,908	1,182,766		873,960	2,401,448
13. Developmental Disabilities Advisory Council (15)						
			420,475		420,382	420,382
Total						
127,123,211	25,195,010	380,023,047	532,341,268	136,879,550	24,593,364	394,741,277

The legislature intends that expenditures for all provider rate increases approved by the legislature be limited to the dollar amounts appropriated rather than the percentage increase on which the original estimates may have been based. The department will be in compliance with this provision if:

- (1) it estimates total cost for each medicaid service category in June prior to the beginning of each fiscal year of the 1997 biennium; and
- (2) the percentage increase or base adjustments approved by the department are limited to the dollar amount appropriated for each provider rate increase.

The AFDC payment level for the 1997 biennium must be established at no less than 40.5% of the federal poverty index.

The department shall require that JOBS participants who leave the program because of employment be tracked up to 1 year after their termination with the JOBS program as a condition of letting JOBS contracts. Exemptions from this requirement include JOBS participants who are no longer Montana residents or JOBS participants who cannot be reached despite good faith efforts. The department shall report to the 55th legislature regarding the employment and earning status of former JOBS participants served during the 1997 biennium.

Fiscal 1996

<u>General Fund</u>	<u>State Special Revenue</u>	<u>Fiscal 1997</u>			<u>Total</u>	<u>Other</u>	<u>Proprietary</u>	<u>Federal Special Revenue</u>	<u>Other</u>	<u>Total</u>
		<u>General Fund</u>	<u>State Special Revenue</u>	<u>Proprietary</u>						

Contingent on passage and approval of Senate Bill No. 209, the department shall notify the department of family services that children in a household are at risk when that household receives a sanction that includes reduction of the adult portion of the AFDC grant.

Funds in item 1a must be used for a teen parent program.

The department is authorized to retain 7.5% of the federal community services block grant and pass through the remaining 92.5% to the human resource development councils (HRDCs). If during fiscal year 1996 or fiscal year 1997 the block grant falls below the federal fiscal year 1990 grant level, the department shall retain only 5% of the grant amount and pass through the remaining 95% to the HRDCs.

The state share of AFDC-related support collections and all AFDC and non-AFDC federal incentive payments and program-collected fees must be deposited in the state special revenue account from which the state share of the administrative and operational costs of the child support enforcement program must be paid. The department shall transfer to the general fund from the child support enforcement account any cash balance in excess of \$350,000.

The department is appropriated funds for a pilot project in Deer Lodge County. The pilot project may include work, job training, subsistence payments, and preventive health programs for low-income people. The use of appropriated funds in item 5a is contingent on Deer Lodge County levying 12 mills for its poor fund for public assistance, protective services, and other benefits for low-income people.

The department shall implement 53-6-101(10) if medicaid expenditures exceed appropriations in [this act] in either year of the biennium.

The department shall perform a statistically valid survey of dentists to determine usual and customary charges for children's dental services during fiscal year 1996. The department shall compute the 1999 biennium cost of establishing medicaid reimbursement for children's dental services at 80% of usual and customary charges based on the survey results. The executive budget must publish by fiscal year the 1999 biennium cost to fund medicaid reimbursement for children's dental services at 80% of survey rates.

The legislature intends that \$72,076,489 of the amount in fiscal year 1996 and \$74,847,286 of the amount in fiscal year 1997 in item 6 are appropriated for hospital medicaid benefits.

Funds in item 6b must be used to contract for orthodontia consultation and pediatric dental consultation for medicaid dental claims, medicaid policy development, and representation of the department in fair hearings.

Funds in item 6f may be used only for rate increases for children's dental services. Funds in item 6f may not be transferred to other uses in the department or to another department.

Item 8 includes efficiencies and savings of 25.0 FTE, \$412,500 in general fund money, and \$412,500 in federal special revenue in fiscal year 1997 based on passage and approval of Senate Bill No. 345, which reorganizes human services and public health agencies. The executive branch can allocate these reductions among programs in the department of public health and human services. If Senate Bill No. 345 is not passed and approved, the appropriation in item 8 is increased



Fiscal 1996				Fiscal 1997			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
Total				Total			
				Other			
							Other
							Total

by \$412,500 in general fund money and \$412,500 in federal special revenue in fiscal year 1997.

Funds for item 8b are to fund welfare fraud investigation. The department of justice may hire FTE rather than contract for services if the department certifies to the office of budget and program planning that FTE are more cost-effective than contracted services.

If the department considers contracting for operation of the TEAMS or SEARCHS computer applications on a privately owned and operated mainframe or midrange computer or if the department plans to purchase a midrange computer for the operation of these systems, the department shall submit to the office of budget and program planning and to the legislative finance committee a comparison of the cost of operating the system on the state mainframe computer managed by the department of administration or on a midrange computer owned by the department. The department of administration shall estimate rate changes that would occur because of removal of TEAMS or SEARCHS from the state mainframe. If the office of budget and program planning determines that statewide cost savings are greater than the private contract cost savings or savings because of the purchase of a departmental midrange computer, the department shall operate TEAMS or SEARCHS on the state mainframe computer if continued operation of TEAMS or SEARCHS on the state mainframe does not conflict with federal regulations.

Provider rate increases funded in item 12c must be allocated between general operating inflationary increases and wage increases for the lowest wage, direct-care line workers of developmental disabilities providers. No less than 62.5% of the provider rate increase must be allocated to salaries for the lowest wage, direct-care line workers, and the remainder of the rate increase must be granted with no specific expense allocation.

The department may pursue funding of any existing eligible state general-funded services under the federal ICF/MR program if the federal government fails to approve adequate medicaid waiver funding under the home- and community-based waiver program.

#### DEPARTMENT OF FAMILY SERVICES (6911)

##### 1. Management Support Services Division (01)

1,781,701	15,000	375,892	2,172,593	2,688,078	15,000	1,071,719	3,774,797
a. Legislative Audit (Restricted/Biennial)							
121,707				136,749			

##### b. CAPS Development (OTO)

627,680 1,883,041 2,510,721

##### 2. Regional Administration (02)

6,811,582	1,017,077	3,271,080	11,099,739	6,841,432	1,017,077	3,286,416	11,144,925
a. Protective Services Workers (Restricted)							
213,386				336,147	332,988	191,568	524,556

				Fiscal 1996			Fiscal 1997		
				General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3.	Juvenile Corrections (03)								
				11,070,726	355,816	301,739		11,728,281	11,836,813
	a.	Sex Offender Programs/Secure Care Female Offenders		400,000				11,175,475	303,520
								400,000	400,000
	b.	Pine Hills School Maintenance (Biennial/Restricted)		58,000				357,818	
	c.	Pine Hills Ranch (Biennial/Restricted)		25,000					
	d.	Juvenile Corrections Provider Rate Increase		49,817	630			99,915	1,270
									101,185
4.	Program Management Division (05)								
				13,824,473	1,847,055	14,330,305		14,383,496	30,696,537
	a.	Crisis Nursery Project (OTO)							
					200,000			200,000	200,000
	b.	Family Preservation and Support (Biennial)							
								997,843	
	c.	Foster Care Local Review Board Pilot (Restricted)							
				139,850				127,535	127,535
	d.	Partnership Project							
					150,000	2,000,000		150,000	2,150,000
	e.	Foster Care Provider Rate Increase							
				126,002		46,304		254,360	347,662
	f.	At-Risk Child Care (Restricted)							
				383,260	915,928			389,756	1,299,188
Total									

Fiscal 1996					Fiscal 1997				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
35,633,184	3,384,948	24,460,565			63,478,697	36,693,035	3,387,065	22,523,098	

The legislature intends that expenditures for all provider rate increases approved by the legislature be limited to the dollar amounts appropriated rather than the percentage increase on which the original estimates may have been based. The department will be in compliance with this provision if the percentage increase or base adjustments approved by the department are limited to the dollar amount appropriated for each provider rate increase.

The department shall prepare a unified budget for the interagency coordinating council on prevention of child abuse and neglect. The unified budget must identify services funded, expenditures by service in fiscal year 1996, and preliminary amounts budgeted for the 1999 biennium by service and fund type from the department of family services, office of public instruction, board of crime control, department of health and environmental sciences, department of labor and industry, and department of social and rehabilitation services. A preliminary budget must be presented to the joint oversight committee on children and families, the legislative finance committee, and the office of budget and program planning by September 1, 1996. The unified budget must be published in the governor's budget request to the 55th legislature.

The department may add FTE instead of contracting for services if it certifies to the office of budget and program planning that FTE are more cost-effective than contracting. FTE added through this language may not be included in the 1999 biennium base budget.

The department shall notify the parents, legal guardians, or caretakers of the children of male and female prisoners in the state of Montana of the state services available to children and families. Services provided by the departments of family services, social and rehabilitation services, health and environmental sciences, and corrections and human services must be listed and explained. Notification may be waived if the children of prisoners do not reside in Montana.

Funds in item 1b may not be included in the fiscal year 1996 base budget.

Funds in item 2a may be used only for new social worker positions with duties related to child or elder abuse and neglect. The department shall establish an accounting center and a budget center to track expenditures for and the number of abuse and neglect workers separate from other department FTE. The department shall report abuse and neglect FTE and related expenditures separate from other budget functions in its budget request to the 55th legislature.

The legislature has no evidence that the Montana youth alternatives program funded in item 3 is more effective in treating juvenile offenders than the Mountain View school program.

Funds in item 3a must be spent on secure care for female offenders and treatment programs for sexual offenders. The department may not transfer funds in item 3a to other uses or to other programs or departments. The department shall provide to the 55th legislature the following information about expenditures funded from item 3a: the number of children served, the average cost per child, services provided, the treatment outcomes, and the current placement of children served.

Funds in item 3b may not be used for any purpose other than maintenance and repair of Pine Hills school. The department must obtain the approval of the engineering and architecture division of the department of administration before proceeding with repairs funded from item 3b.



Fiscal 1996					Fiscal 1997				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
									Other
									Total
<p>Funds in item 3c may be used only for a vocational agricultural program at Pine Hills school.</p> <p>The department shall present a report to the 55th legislature confirming the outcome of the partnership project. The report must include the number of families and children served and the types of services funded and must verify the impact on the growth in the foster care caseload, if any. The report must explicitly identify fiscal year 1996 expenditures by fund type, service, and county location, compared to the estimated expenditures by fund type and service for the 1999 biennium.</p> <p>Contingent on passage and approval of Senate Bill No. 83, state special revenue funds in item 4 are reduced by \$35,406 in fiscal year 1996 and \$34,409 in fiscal year 1997 and the general fund amount is increased by a like amount.</p> <p>Funds in item 4a may not be included in the base budget for the 1999 biennium.</p> <p>The department shall prepare a report for the 55th legislature on the activities and accomplishments of the local citizen review boards pilot program in item 4c.</p> <p>Item 4d is to develop family support services for children at risk of abuse or neglect and for children who have been referred for abuse or neglect and to develop community-based services for children placed in or who are at risk of being placed in juvenile corrections facilities. The development of additional services is contingent on recovery of federal funds through department refinancing initiatives and the collection of contributions from parents of children. Services must be developed within appropriation limitations in [this act], and the department may not expand partnership services so that foster care general fund requirements are greater than appropriations in [this act].</p> <p>Funds in item 4f may be used only to fund child care benefit costs for families who are at risk of becoming eligible for AFDC. Funds in item 4f may not be used for any other purpose, transferred to any other use in the department, or transferred to another department.</p>									
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES (5301)									
1.	Director's Office (01)								
	23,283	100,000	523,106	646,389	23,284	100,000	525,729	649,013	
2.	Central Services (02)								
	1,606,788	145,000	1,470,535	3,222,323	1,636,012	145,000	1,472,427	3,253,439	
a.	Legislative Audit (Restricted/Biennial)								
			69,338						
3.	Air Quality (03)								
	358,352	1,743,059	1,074,749	3,176,160	361,544	1,995,299	862,732	3,219,575	

Fiscal 1996				Fiscal 1997			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
			Other	Total			Other
							Total
a. Radon Contract (Restricted)							
	25,000			25,000	25,000		25,000
b. Radon Control (OTO)							
		87,457		87,457		112,457	112,457
4. Environmental Remediation (04)							
	1,826,567	2,369,023		4,195,590	1,829,081	2,090,750	3,919,831
5. Water Quality (05)							
	2,550,331	3,269,622		5,819,953	2,572,339	3,239,880	5,812,219
6. Health Services (06)							
	1,513,702	739,811	1,460,183	3,713,696	1,470,652	1,374,620	3,588,959
a. Certificate of Need (Biennial)							
	92,246			92,246			
b. Local Health Care Providers (Restricted/Biennial)							
	300,000	300,000		600,000			
7. Family/Maternal and Child Health Bureau (07)							
	620,822	24,924,896		25,545,718	620,241	25,985,092	26,605,333
a. MIAMI (Restricted)							
	414,000			414,000	414,000		414,000
8. Preventive Health Bureau (08)							
	110,000	4,475,659		4,585,659	112,000	4,601,344	4,713,344
a. Communicable Disease Emergency Fund (Restricted/Biennial)							
	50,000			50,000			
9. Health Facilities Division (09)							
	682,456	1,873,484		2,555,940	687,795	1,885,380	2,573,175
10. Petroleum Tank Release Compensation Board (11)							
		1,346,851		1,346,851	1,354,393		1,354,393

	Fiscal 1996				Fiscal 1997							
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
12. Waste Management (12)												
151,997	2,883,491	531,734				3,567,222	155,782	2,972,022	483,244			3,611,048
<hr/>												
Total												
4,316,858	13,121,898	40,211,807	2,062,979			59,713,542	3,845,298	13,227,833	40,780,499	1,998,156		59,851,786
Funds approved in item 3a may be used only to contract with the Montana bureau of mines and geology for radon in water testing and GIS mapping.												
Included in the environmental remediation division funding is \$446,016 in fiscal year 1996 and \$454,576 in fiscal year 1997 of federal funds and \$94,583 of state special revenue funds each fiscal year for leaking underground storage tank activities. Sufficient authority is available for \$100,000 in consultant and professional services each fiscal year of the 1997 biennium. The department is appropriated up to \$847,737 in fiscal year 1996 and \$846,866 in fiscal year 1997 of additional federal revenue for leaking underground storage tank consultant and professional services if the revenue becomes available.												
Included in the water quality division funding is \$721,963 in fiscal year 1996 and \$724,835 in fiscal year 1997 of federal nonpoint source pollution prevention funds (NPS funds). The department is appropriated up to \$3 million of additional NPS funds during the 1997 biennium for the purpose of contracting with conservation districts if the funds become available.												
Included in the water quality division funding is sufficient authority to contract \$664,755 each fiscal year with nonprofit entities for water quality management activities. At least 60% of this annual amount must be contracted to conservation districts. No more than 10% of this annual amount may be spent on studies.												
The funds in item 6a are contingent on passage and approval of Senate Bill No. 416.												
General fund money in item 6b may be used only to contract for assistance to local health care providers in obtaining medicare reimbursement.												
<hr/>												
TOTAL SECTION B												
168,292,652	52,656,377	471,591,648	4,231,945			696,772,622	178,624,428	51,785,452	485,105,161	4,177,955		719,692,996



										<u>Fiscal 1996</u>				<u>Fiscal 1997</u>			
										<u>State</u>		<u>Federal</u>		<u>State</u>		<u>Federal</u>	
										<u>General</u>	<u>Special</u>	<u>Special</u>	<u>Special</u>	<u>Propri-</u>	<u>Propri-</u>	<u>Other</u>	<u>Total</u>
										<u>Fund</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>	<u>etary</u>	<u>etary</u>	<u>Revenue</u>	<u>Total</u>

C. NATURAL RESOURCES AND COMMERCE

PUBLIC SERVICE REGULATION (4201)

1.	Public Service Regulation (01)														
		1,991,401	25,668												
a.	Legislative Audit (Restricted/Biennial)														
		15,409													
b.	Consultants (Biennial)														
		100,000													
				2,017,069		1,941,401				25,668					1,967,069

Total

		2,106,810	25,668												
				2,132,478		1,941,401				25,668					1,967,069

DEPARTMENT OF FISH, WILDLIFE AND PARKS (5201)

1.	Administration and Finance Division (01)														
		3,317,383	374,299	1,855,326											
a.	Legislative Audit (Restricted/Biennial)														
		60,863													
b.	Legislative Contract Authority (Restricted/OTO)														
			30,000												
				30,000						30,000					30,000
2.	Field Services Division (02)														
		1,841,081	555,247	179,108											
a.	Weed Control (Restricted)														
		1,494													
				1,494											1,494
3.	Fisheries Division (03)														
		2,735,364	2,880,873												
a.	Legislative Contract Authority (Restricted/OTO)														
		273,500	726,500												
				1,000,000		210,900				789,100					1,000,000
				5,616,237		2,723,065				2,839,257					5,562,322
				2,575,436		1,902,540				601,513			183,108		2,687,161
				30,000											

		Fiscal 1996				Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b.	Water Leasing (Biennial)				75,000						
		75,000									
c.	Evaluation of Fish Introductions (Biennial)				40,000						
		10,000	30,000								
d.	Clark Fork River Investigation (OTO)				54,694						
		13,674	41,020					13,705	41,113		54,818
e.	Weed Control (Restricted)				15,019						
		15,019						15,019			15,019
4.	Law Enforcement Division (04)				4,964,117						
		4,836,299	127,818					4,867,028	130,052		4,997,080
a.	Game Farm EA/EIS (Biennial)				208,000						
		208,000									
b.	Legislative Contract Authority (Restricted/OTO)				70,000						
		70,000						70,000			70,000
c.	County Water Safety Contract (Restricted)				62,000						
		31,000	31,000					31,000	31,000		62,000
d.	Additional Snowmobile Funds (OTO)				16,288						
		16,288						16,288			16,288
5.	Wildlife Division (05)				5,840,211						
		2,876,904	2,963,307					2,903,241	2,953,932		5,857,173
a.	Black-Footed Ferret (OTO)				50,000						
		50,000						50,000			50,000
b.	Wildlife Programmatic EIS (OTO)				116,640						
		29,160	87,480								
c.	Upland Game Bird (Biennial)				1,140,000						
		1,140,000									

		Fiscal 1996				Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
d.	Legislative Contract Authority (Restricted/OTO)										
	84,000	639,000			723,000		79,000	604,000			683,000
e.	Weed Control (Restricted)										
	36,597				36,597		36,597				36,597
6. Parks Division (06)											
271,166	3,691,321	143,600	267,240		4,373,327	272,229	3,730,112	143,600	263,236		4,409,177
a.	Land and Water Conservation Fund (Biennial)										
		300,000			300,000						
b.	National Recreation Trails (Biennial)										
		200,000			200,000						
c.	Legislative Contract Authority (Restricted/OTO)										
	19,000	6,000			25,000		19,000	6,000			25,000
d.	Snowgroomer Equipment (Biennial)										
			190,000		190,000						
e.	Additional Snowgroomer Equipment (OTO)										
	248,576		248,576		497,152						
f.	Capitol Grounds General Fund (Restricted)										
11,000					11,000	11,000					11,000
g.	Weed Control (Restricted)										
14,611	30,196				44,807	12,607	30,196				42,803
7. Conservation Education Division (08)											
	1,406,959	345,184			1,752,143		1,407,461	352,697			1,760,158
a.	Legislative Contract Authority (Restricted/OTO)										
	7,500	12,500			20,000		7,500	12,500			20,000
b.	Shooting Ranges (Biennial)										
	115,000				115,000						



	Fiscal 1996				Fiscal 1997			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
c. Additional Snowmobile Funds (OTO)		12,000				12,000		12,000
8. Department Management (09)		2,467,804	533,133			3,000,937		2,461,785
a. Additional Predator Control Grant (Restricted)		60,000				60,000		60,000
b. Legislative Contract Authority (Restricted/OTO)			115,000			115,000		115,000
c. Attorney General Assistance (Restricted)		36,100				36,100		36,100
d. Weed Control (Restricted)		1,021				1,021		1,021
Total	286,777	25,767,103	10,191,961	2,740,250		38,996,091	295,836	23,954,694

Total

286,777 25,767,103 10,191,961 2,740,250 38,996,091 295,836 23,954,694 9,666,006 2,132,690 36,049,226

The appropriations for the legislative contract authority are subject to the following provisions:

(1) Legislative contract authority applies only to federal and private funds.

(2) The department may transfer appropriation authority between the state special revenue fund and the federal special revenue fund. Transfers may not change the total appropriated to the department for legislative contract authority.

(3) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from present law operations. In preparing the 1999 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(4) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects, with the related amount of expenditures for each project.

If Senate Bill No. 85 is passed and approved in a form that includes an exemption for ground maintenance workers from prevailing wage rates, the appropriation in item 6f is eliminated.

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 8a may be spent as a grant to the department of livestock for predator control only if the federal animal damage control discontinues its predator control program in Montana.													
DEPARTMENT OF STATE LANDS (5501)													
1.	Central Management Program (01)												
		1,389,004	133,183	120,000	504,902		2,147,089	1,460,962	129,993	120,000	575,329		2,286,284
	a. Legislative Audit (Restricted/Biennial)												
		47,381					47,381						
2.	Reclamation Program (03)												
		287,660	1,153,791	5,704,938			7,146,389	282,478	1,141,778	5,725,482			7,149,738
	a. State Library Transfer												
			5,000	15,000			20,000		5,000	15,000			20,000
	b. Hard Rock (Biennial)												
			50,000				50,000						
	c. Bond Forfeitures (Biennial)												
			100,000				100,000						
	d. Environmental Analysis (Biennial)												
			550,000				550,000						
	e. Weed Control (Restricted)												
		220					394	220		174			394
3.	Land Administration Program (04)												
		948,848	493,000				1,441,848	939,677	493,000				1,432,677
	a. Weed Control (Restricted)												
		15,000					15,000	15,000					15,000
	b. Land Exchange With Crow Tribe												
							100,000			100,000			100,000
4.	Forestry Program (25)												

Fiscal 1996												Fiscal 1997				
General Fund		State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total				
6,423,227	3,683,574	876,873				10,983,674	6,276,288	3,434,708	753,288			10,464,284				
a.	Federal Fire Reimbursement (Restricted)															
			100,000			100,000			100,000			100,000				
b.	Community Forestry FTE (OTO)															
			87,375			87,375			87,652			87,652				
c.	HB 201 -- Additional Timber Sales															
		562,368				562,368		545,076				545,076				
d.	Weed Control (Restricted)															
862		2,760				3,622	862	2,760				3,622				

The department may transfer appropriation authority in item 2a between the state special revenue fund and the federal special revenue fund as long as the totals are not exceeded.

Federal fire reimbursement funds are those funds received for expenses incurred from loaning department personnel to federal agencies to assist in fire suppression activities. Only those federal funds received as reimbursement of expenses credited against the department's state forestry operational budget are considered federal fire reimbursement funds. All other federal funds received must be deposited into the general fund. The department shall report federal fire reimbursement expenditures on state accounting records, and the records must be separate from current level operations.

Item 4 includes reductions of 9.08 FTE and \$85,258 in general fund money and \$215,134 in state special revenue money in fiscal year 1997 to implement the FTE and personal services savings due to the reorganization of the natural resource and commerce agencies, contingent on passage and approval of Senate Bill No. 234. The executive branch shall allocate these reductions among programs in the newly created departments of environmental quality and natural resource management and the department of commerce. If Senate Bill No. 234 is not passed and approved, \$85,258 in general fund money and \$215,134 in state special revenue money for 9.08 FTE are appropriated to the [forestry program] in fiscal year 1997.

Item 4c is contingent on passage and approval of House Bill No. 201.

#### DEPARTMENT OF LIVESTOCK (5603)

1. Centralized Services Program (01)



		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		57,563	569,275	22,000			648,838	57,052	557,404	33,067			647,523
a.	Legislative Audit (Restricted/Biennial)		25,039				25,039						
2.	Diagnostic Laboratory Program (03)	136,866	924,102				1,060,968	138,515	934,791				1,073,306
3.	Disease Control Program (04)		483,546				483,546		555,763				555,763
a.	Disease Control Emergency (Restricted)		70,000				70,000						
4.	Milk and Egg Program (05)		152,195	30,000			182,195		155,245	29,000			184,245
5.	Inspection and Control Program (06)		2,343,065				2,343,065		2,340,195				2,340,195
6.	Predator Control Program (08)		412,923				412,923		349,349				349,349
7.	Meat and Poultry Inspection Program (10)	261,968	6,000	267,968			535,936	263,453	6,000	269,453			538,906
Total		456,397	4,986,145	319,968			5,762,510	459,020	4,898,747	331,520			5,689,287
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)													
1.	Centralized Services (21)	1,033,462	650,021	111,652			1,795,135	1,088,997	642,366	79,558			1,810,921
a.	Legislative Audit (Restricted/Biennial)	51,233					51,233						
b.	Missouri River Lawsuit (Restricted/Biennial)												

	Fiscal 1996				Fiscal 1997							
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	15,000					15,000						
c.												

Included in the centralized services program funding is \$38,500 of indirect funds from NMFS/MEPA fees. If NMFS/MEPA activities generate more than \$38,500 of indirect funds over the biennium, the additional indirect funds must be deposited in the general fund.

The department is authorized to spend the lawsuit appropriations for either lawsuit.

Up to \$50,000 each year of funds received under the provisions of 85-1-514(4) are appropriated to the department for the purpose of performing duties required under 85-1-514.

Up to \$20,000 each year of fines collected under the provisions of Title 85, chapter 2, and deposited in the water right appropriation account in accordance





	Fiscal 1996						Fiscal 1997					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
DEPARTMENT OF AGRICULTURE (6201)												
1.	Central Management Division (15)											
	136,449	263,208	81,450	25,717	9,120	515,944	149,603	263,208	81,554	25,717	9,120	529,202
	a. Legislative Audit (Restricted/Biennial)											
	30,432					30,432						
2.	Agricultural Sciences Division (30)											
	106,890	3,696,825	405,054	5,604		4,214,373	105,840	3,681,909	449,089	5,666		4,242,504
	a. EPA Grant Funds (OTO)											
			150,000			150,000			150,000			150,000
3.	Agricultural Development Division (50)											
	200,275	2,653,597		202,204	68,235	3,124,311	200,480	2,697,228		205,905	70,226	3,173,839
	a. Grain Laboratory (Restricted)											
		254,604				254,604		254,611				254,611
	b. Grain Sublaboratory (Restricted)											
		135,310				135,310		163,410				163,410
	c. Christmas Tree Promotion (Restricted)											
			40,000			40,000			40,000			40,000

The department is authorized to make grants to state agencies from the growth through agriculture account, as approved by the Montana agriculture development council in accordance with Title 90, chapter 9. The state agency that receives a grant from the Montana agriculture development council is authorized additional appropriation authority equal to the grant amount.

DEPARTMENT OF COMMERCE (6501)													
1.	Weights and Measures Bureau (02)												
						585,181							579,511

Fiscal 1996					Fiscal 1997						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a.	Legislative Audit (Restricted/Biennial)				1,275						
	1,275										
2.	Banking and Financial Institutions (36)										
	1,181,527				1,181,527		1,168,474				1,168,474
a.	Legislative Audit (Restricted/Biennial)				2,531						
	2,531										
3.	Milk Control Bureau (37)										
	234,908				234,908		236,467				236,467
a.	Legislative Audit (Restricted/Biennial)				544						
	544										
4.	Professional and Occupational Licensing Bureau (39)										
	15,000	3,618,257	1,202,646		4,835,903	15,000	3,612,845		1,207,940		4,835,785
a.	Legislative Audit (Restricted/Biennial)				10,525						
b.	Legal Contingency (Restricted)				70,841		70,841				70,841
	70,841										
5.	Economic Development Division (51)										
	870,283	272,902	3,843,197		4,986,382	844,879	310,098	3,668,485			4,823,462
a.	Legislative Audit (Restricted/Biennial)				6,445						
	1,190	201	5,054								
6.	Montana Promotion Division (52)										
	450,000				450,000		450,000				450,000
7.	Community Development Bureau (60)										
	287,624	577,972	30,714,401		31,579,997	287,148	573,451	28,935,646			29,796,245
a.	Legislative Audit (Restricted/Biennial)				17,382						
	435	1,167	15,780								







		Fiscal 1996				Fiscal 1997			
	General Fund	State Special Revenue	Federal Special Revenue		Total	General Fund	State Special Revenue	Federal Special Revenue	
			Proprietary	Other				Proprietary	Other

Total	1,808,975	10,732,873	34,584,766	13,186,666	60,313,280	1,710,099	9,556,905	32,604,131	12,802,458
-------	-----------	------------	------------	------------	------------	-----------	-----------	------------	------------

56,673,593

It is the legislature's intent that the department grant \$75,000 of statutorily appropriated lodging facilities use tax revenue to the Montana historical society each year to fund tours of the original governor's mansion and the state capitol and to fund restoration of the original governor's mansion.

The appropriation in item 4b is to be used only for unexpected legal expenses in the weights and measures, building codes, professional and occupational licensing, and milk control programs.

Item 7c is contingent on the Bull Mountain mine project becoming productive. It is the intent of the legislature that the coal board grant the funds for impacts associated with the Bull Mountain mine project contingent upon meeting coal board standards for grant approval.

Item 18 includes \$20,000 of general fund in fiscal 1996 that must be used to provide funds for economic adjustments for Cascade County as a result of the plan to reduce the mission of Malmstrom Air Force Base (AFB).

TOTAL SECTION C	16,625,459	64,228,827	53,904,302	16,665,343	77,355	151,501,286	16,330,568	59,512,973	51,341,958
-----------------	------------	------------	------------	------------	--------	-------------	------------	------------	------------

								15,747,765	79,346
--	--	--	--	--	--	--	--	------------	--------

									143,012,610
--	--	--	--	--	--	--	--	--	-------------

	Fiscal 1996				Total	General Fund	State Special Revenue	Fiscal 1997		
	General Fund	State Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other
D. INSTITUTIONS AND PUBLIC SAFETY										
CRIME CONTROL DIVISION (4107)										
1.	Justice System Support Service (01)									
484,698	244,920	465,946		1,195,564	485,656	244,021	502,130		1,231,807	
a.	Crime Victims' Compensation Pass-Through Benefits (Biennial)									
	505,000	135,000		640,000		505,000	150,000		655,000	
b.	Juvenile Justice Pass-Through Grants (Biennial)									
		457,636		457,636			421,594		421,594	
c.	Victims' Assistance Pass-Through Grants (Biennial)									
		470,500		470,500			470,500		470,500	
d.	Drug Education Pass-Through Grants (Biennial)									
		463,837		463,837			463,837		463,837	
e.	Drug Enforcement Pass-Through Grants (Biennial)									
		2,256,581		2,256,581			2,256,439		2,256,439	
f.	Violence Against Women Grant (Biennial)									
		500,000		500,000			500,000		500,000	
g.	Criminal History Record Improvement (Biennial)									
		500,000		500,000			500,000		500,000	
h.	Legislative Contract Authority (Restricted)									
		200,000		200,000			200,000		200,000	

All remaining federal pass-through grant appropriation authority for the 1995 biennium is authorized to continue into fiscal year 1996 and fiscal year

1997.

The legislature intends that the appropriation for legislative contract authority provide adequate spending authority to enable faster and more cost-



		Fiscal 1996				Fiscal 1997						
		State Special Revenue	General Fund	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total
effective startup of services otherwise initiated by budget amendment. Prior to authorizing use of the appropriation, the office of budget and program planning shall require the necessary and usual contract justification. A legislative contract authority appropriation must be accounted for and reported separately from all other appropriations. In the event that the amount of the department's additional federal contracts exceeds its legislative contract authority, additional spending authority must be established in accordance with the provisions of the budget amendment law in Title 17, chapter 7, part 4.												
HIGHWAY TRAFFIC SAFETY (4108)												
1.	Highway Traffic Safety Division (36)											
	250,000	86,000	4,510,578			4,846,578	250,000	85,879	4,512,456			4,848,335
<hr/>												
Total												
	250,000	86,000	4,510,578			4,846,578	250,000	85,879	4,512,456			4,848,335
DEPARTMENT OF JUSTICE (4110)												
1.	Legal Services Division (01)											
	1,504,213	186,847	38,885			1,729,945	1,485,582	187,514	38,943			1,712,039
a.	Major Litigation Costs (Restricted/Biennial)											
	500,000					500,000						
b.	Bankruptcy Collection Unit (010)											
	151,728					151,728	151,728					151,728
2.	Agency Legal Services (06)											
										627,315		627,315
3.	Gambling Control Division (07)											
	478,655	1,834,066				2,312,721	462,089	1,771,745				2,233,834
4.	Motor Vehicle Division (12)											
	5,887,856	1,111,660				6,999,516	5,671,222	1,111,660				6,782,882
5.	Highway Patrol Division (13)											
	13,287,519	1,634,113				14,921,632			1,602,118			15,151,194
a.	Patrol Cars (Restricted)											

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			171,340				171,340		172,510				172,510
	b. Legislative Contract Authority (Restricted)									100,000			100,000
				100,000			100,000						
6.	Law Enforcement Services Division (18)												
		1,814,240	403,294	1,009,884			3,227,418	2,158,691	389,672	605,348			3,153,711
	a. Legislative Contract Authority (Restricted)												
				150,000			150,000			150,000			150,000
7.	County Attorney Payroll (19)												
		1,443,865					1,443,865	1,480,363					1,480,363
8.	Law Enforcement Academy Division (22)												
		670,060		93,770			763,830	674,586		57,490			732,076
9.	Central Services Division (28)												
		177,176	217,444		8,053		402,673	178,012	218,469		8,092		404,573
	a. Legislative Audit (Restricted/Biennial)												
		21,356	26,209		971		48,536						
10.	Data Processing Division (29)												
		1,096,667	433,440				1,530,107	1,120,237	488,486	63,000			1,671,723
11.	Extradition and Transportation of Prisoners (30)												
		141,834					141,834	156,017					156,017
12.	Forensic Science Division (32)												
		1,024,073	256,122	39,979			1,320,174	1,032,737	256,041	40,278			1,329,056
	a. Legislative Contract Authority (Restricted)												
				40,000			40,000			40,000			40,000
<hr/>													
Total		14,911,723	17,927,941	3,106,631	634,106		36,580,401	14,571,264	18,145,173	2,697,177	635,407		36,049,021

	Fiscal 1996	Fiscal 1997
	Federal	Federal
	Special Revenue	Special Revenue
	Proprietary	Proprietary
	Total	Total
State		State
General Fund	General Fund	General Fund
Special Revenue	Special Revenue	Special Revenue
	Other	Other
	Total	Total

The legislature intends that the appropriation for legislative contract authority provide adequate spending authority to enable faster and more cost-effective startup of services otherwise initiated by budget amendment. Prior to authorizing use of the appropriation, the office of budget and program planning shall require the necessary and usual contract justification. A legislative contract authority appropriation must be accounted for and reported separately from all other appropriations. In the event that the amount of the department's additional federal contracts exceeds its legislative contract authority, additional spending authority must be established in accordance with the provisions of the budget amendment law in Title 17, chapter 7, part 4.

The legislature recognizes that costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 1997 legislature to adequately represent the state.

Item 1b is contingent on passage and approval of House Bill No. 135.

If the total amount of federal crime bill funds in item 5 is not received by the department, the federal special revenue appropriation in item 5 must be reduced to the amount received and the state special revenue appropriation must be increased by the same amount as the federal special revenue appropriation is decreased.

The department is authorized to transfer the retirement contributions provided in sections 19-6-404 and 61-5-121(1)(a) in fiscal years 1996 and 1997 from the highway patrol retirement clearing account in the state special revenue fund to the Montana highway patrol officers' retirement pension trust fund. An appropriation must be established each year in the amount required to be transferred up to the amount of \$650,000.

The department is authorized to request a budget amendment for the rural statewide intelligence network if federal grant funds become available during the 1997 biennium.

If the total amount of federal special revenue in item 8 is not received by the department, the federal special revenue appropriation in item 8 must be decreased and the general fund appropriation must be increased by the same amount as the federal special revenue appropriation is decreased.

MONTANA ARTS COUNCIL (5114)				
1.	Promotion of the Arts (01)			
	110,482	166,723	299,375	
				576,580
				107,713
				167,483
				301,005
				576,201
	a.	Legislative Audit (Restricted/Biennial)		
	16,371			16,371
	b.	Federal Grants (Biennial)		
			237,933	237,933
				236,305
				236,305



Fiscal 1996				Fiscal 1997							
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
<hr/>											
Total	126,853	166,723	537,308		830,884	107,713	167,483	537,310			812,506
MONTANA STATE LIBRARY COMMISSION (5115)											
1.	State Library Operations (01)										
1,448,617	168,301	1,576,545			3,193,463	1,225,966	163,085	416,545			1,805,596
a.	Legislative Audit (Restricted/Biennial)										
17,720					17,720						
b.	Donations and Bequests (Biennial)										
	25,000				25,000						
2.	Natural Resource Information Services (07)										
a.	NRIS Performance-Based Budget (Biennial)										
95,830	931,408	556,685			1,583,923						
<hr/>											
Total	1,562,167	1,124,709	2,133,230		4,820,106	1,225,966	163,085	416,545			1,805,596
Item 1 includes biennial appropriations of \$251,138 in general funds and \$1,160,000 of federal funds for grants to local libraries.											
Item 2a is a biennial, performance-based budget and must be used to achieve the following goals:											
(1) to operate a natural resource information clearinghouse;											
(2) to support interagency data coordination and standards; and											
(3) to provide user support and tools.											
NRIS is required to provide performance measure progress reports to the legislative fiscal analyst and the office of budget and program planning semiannually. Performance measures as shown in the 1997 biennium appropriations report are adopted as legislative intent.											
Item 2a includes \$466,685 for legislative contract authority, subject to the following provisions:											
(1) Legislative contract authority applies only to state special funds received from the Montana university system, federal funds, and private funds.											
(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from present law operations.											

Item 1 includes biennial appropriations of \$251,138 in general funds and \$1,160,000 of federal funds for grants to local libraries.

Item 2a is a biennial, performance-based budget and must be used to achieve the following goals:

- (1) to operate a natural resource information clearinghouse;
- (2) to support interagency data coordination and standards; and
- (3) to provide user support and tools.

NRIS is required to provide performance measure progress reports to the legislative fiscal analyst and the office of budget and program planning semiannually. Performance measures as shown in the 1997 biennium appropriations report are adopted as legislative intent.

Item 2a includes \$466,685 for legislative contract authority, subject to the following provisions:

- (1) Legislative contract authority applies only to state special funds received from the Montana university system, federal funds, and private funds.
- (2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from present law operations.



	Fiscal 1996				Fiscal 1997			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES (6401)								
1. Central Operations (10)								
3,087,603	115,956			52,290		3,255,849	3,099,460	116,751
a. Legislative Audit (Restricted/Biennial)								
120,556	14,476	1,567		5,929		142,528		
2. Corrections (20)								
36,700,265	1,055,844	245,518		5,841,424		43,843,051	37,728,705	1,055,816
3. Mental Health (30)								
36,144,453	147,752	1,792,415				38,084,620	36,680,132	147,759
4. Chemical Dependency (40)								
	2,565,304	3,376,970				5,942,274		2,591,941
5. Special Services (50)								
15,979,191	2,370,550	1,311,506				19,661,247	15,313,669	2,271,493
Total								
92,032,068	6,269,882	6,727,976		5,899,643		110,929,569	92,821,966	6,183,760

Item 2 includes \$486,581 in general fund money each fiscal year that may be used only if the department of administration, personnel division, authorizes the reclassification of correctional officers.

If House Bill No. 304 is not passed and approved, item 2 is decreased by \$553,280 in general fund money in fiscal year 1997.

If House Bill No. 93 is not passed and approved, item 3 is decreased by \$105,534 in general fund money in fiscal year 1996 and \$114,202 in general fund money in fiscal year 1997.

If the Eastmont human services center does not remain in operation at current capacity, item 5 is decreased by \$22,865 in general fund money in fiscal year 1996 and \$22,944 in general fund money in fiscal year 1997 to fund 1.0 FTE in the Eastmont vocational program.

Any funds remaining in the Montana state prison budget on June 30, 1995, may be carried forward into the 1997 biennium to deal with population growth at the prison.

The department is directed to develop and purchase mental health services for children and adolescents that minimize the necessity of residential placements



Fiscal 1996						Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
and that control the expenditures for residential care.											
All services under the managing resources Montana (MRM) program, as well as the regional management of MRM, must be purchased based on an RFP process that provides for effective services at the lowest possible costs. The department shall develop measures of program effectiveness and require contractors selected under the RFP process to provide the information necessary to determine the effectiveness of services. The department may not contract with any service provider that has been found to have, through fraud or falsification of documents, attempted to receive public funds to which the provider was not entitled.											
DEPARTMENT OF MILITARY AFFAIRS (6701)											
1.	Operations Support (01)										
274,793		13,842			288,635	270,965		13,989			284,954
a.	Legislative Audit (Restricted/Biennial)										
8,282					8,282						
2.	Army National Guard Program (12)										
840,305		1,907,794			2,748,099	857,252		1,901,058			2,758,310
a.	R/M Backlog State Armories (OTO)										
100,000	5,000				105,000	70,000	10,000				80,000
b.	R/M Backlog Service Contract (OTO)										
		26,625			26,625			26,625			26,625
c.	Legislative Contract Authority (Restricted)										
		300,000			300,000			300,000			300,000
3.	Air National Guard Program (13)										
156,416		1,432,926			1,589,342	160,607		1,443,788			1,604,395
4.	Disaster Coordination Response (21)										
236,629	10,000	1,301,073			1,547,702	239,605	10,000	1,305,047			1,554,652
a.	Legislative Audit (Restricted/Biennial)										
4,141		12,423			16,564						
b.	Legislative Contract Authority (Restricted)										
		50,000			50,000			50,000			50,000



Fiscal 1996						Fiscal 1997					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)											
1. Administration (06) (Biennial)											
2,892,760	592,021	4,680,108	1,051,670		9,216,559	2,266,743	592,909	4,344,719	1,056,864		8,261,235
a. Legislative Audit (Restricted/Biennial)											
67,797					67,797						
b. Transfer (Biennial)											
891,342					891,342						
c. MAEFAIRS (Biennial/OTO)											
160,000					160,000						
d. Vocational Education -- Termination Payout (Restricted)											
112,420					112,420	112,999					112,999
e. Secondary Vocational Education (Restricted)											
170,000		170,000			340,000	170,000		170,000			340,000
2. Distribution to Public Schools (09)											
a. Special Education (Restricted)											
32,722,797					32,722,797	32,722,797					32,722,797
b. Special Education Contingency (Restricted/Biennial)											
2,031,163					2,031,163						
c. Transportation (Restricted)											
6,691,834	3,908,166				10,600,000	6,791,834	3,908,166				10,700,000
d. School Foods (Restricted)											
660,189					660,189	661,731					661,731
e. Gifted and Talented (Restricted/Biennial)											
500,000					500,000						
f. Secondary Vocational Education (Restricted/Biennial)											



	Fiscal 1996				Fiscal 1997			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
	1,300,000					1,300,000		
g.			Adult Basic Education (Restricted/Biennial)					
	500,000					500,000		
h.			Instate Residential Services (Restricted/Biennial)					
	1,949,791					1,949,791		
i.			SIMMS Grant (Restricted)					
		500,000				500,000		500,000
j.			Individuals With Disabilities Education Act -- B (Biennial)					
			2,431,400			2,431,400		
k.			Adult Basic Education (Biennial)					
			1,365,000			1,365,000		
l.			Job Training Partnership Act (Biennial)					
			1,017,200			1,017,200		
m.			Vocational Education (Biennial)					
			6,022,525			6,022,525		
n.			Chapter 1 (Biennial)					
			2,295,000			2,295,000		
o.			Foreign Language (Biennial)					
			108,000			108,000		
p.			Goals "2000" (Biennial)					
			5,931,307			5,931,307		
q.			Arts and English Curriculum (Biennial)					
			360,000			360,000		
r.			School District Federal Aid (Biennial)					
			108,143,035			108,143,035		
s.			K-12 BASE Aid (Restricted/Biennial)					

	Fiscal 1996			Fiscal 1997		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	State Special Revenue	Federal Special Revenue
				Other	Total	Other
	245,006,000				245,006,000	
t. McKinney Homeless (Biennial)						
		264,000			264,000	

Total	295,456,093	5,000,187	132,787,575	1,051,670	434,295,525	42,726,104	5,001,075	4,514,719	1,056,864	53,298,762
-------	-------------	-----------	-------------	-----------	-------------	------------	-----------	-----------	-----------	------------

All revenue received in the state traffic education account under the provisions of 20-7-504 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5. This appropriation may not exceed \$1 million per year.

The legislative audit committee, in accordance with its constitutional authority to supervise legislative postaudits, shall ensure the independence of the audit of the office of the superintendent of public instruction conducted pursuant to Title 5, chapter 13, during the 1997 biennium. It is the intent of the legislature that the biennial financial compliance audit for the 2 fiscal years ending June 30, 1996, be contracted. To the extent that the legislative audit committee contracts with a private firm to conduct a portion of the audit or the entire audit, including the federal single audit, the total costs of all audit work during the biennium must be paid first from the line item appropriation to the office of the superintendent of public instruction for audit costs.

The office of public instruction may distribute the amounts required from the appropriation for "in-state treatment" to public schools for the purpose of providing education costs in day-treatment services.

The office of public instruction may use up to 1% of the appropriation provided in item 2a to provide the matching funds necessary for medicaid reimbursements paid for medicaid-eligible services provided by public school districts.

The office of public instruction may transfer any unused balance in the appropriation in item 2b to the special education appropriation in item 2a.

BOARD OF PUBLIC EDUCATION (5101)										
1.	Administration (01)				125,491	115,841	9,946			125,787
	115,455	10,036								
a.	Legislative Audit (Restricted/Biennial)									
	1,541				1,541					
2.	Advisory Council (03)				81,990		82,227			82,227
	81,990									
a.	Legislative Audit (Restricted/Biennial)									

	Fiscal 1996			Fiscal 1997		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
						Proprietary
				Total	Other	Total
		1,541		1,541		
Total						
116,996	93,567			210,563	92,173	208,014
SCHOOL FOR THE DEAF AND BLIND (5113)						
1. Administration Program (01)						
208,752				208,752	205,065	205,065
a. Legislative Audit (Restricted/Biennial)						
27,735				27,735		
2. General Services Program (02)						
296,733				296,733	291,889	291,889
3. Student Services (03)						
841,476	31,151			872,627	31,151	852,562
4. Education (04)						
1,454,364	357,688	38,739		1,850,791	357,529	1,836,951
Total						
2,829,060	357,688	69,890		3,256,638	357,529	3,186,467
Revenue received from the rental use of the MSDB facilities and deposited into the state special revenue account is appropriated for use by the MSDB. This appropriation may not exceed \$10,000 per year.						
VOCATIONAL EDUCATION COUNCIL (5116)						
1. Administration Program (01)						
		163,169		163,169	167,644	167,644
a. Legislative Audit (Restricted/Biennial)						
		4,237		4,237		



Total	167,406	167,406	167,644	167,644	167,644
MONTANA UNIVERSITY SYSTEM (5100)					
1. Board of Regents (Biennial)					
83,179,688	84,089,980	10,062,678	18,730,859	196,063,205	84,887,696
88,694,797	10,349,311	19,500,640	203,432,444		
a. Legislative Audit (Restricted/Biennial)					
499,946	18,475	518,421	3,000	3,000	3,000
Total					
83,679,634	84,089,980	10,081,153	18,730,859	196,581,626	84,890,696
88,694,797	10,349,311	19,500,640	203,435,444		
2. Community Colleges					
4,400,607				4,400,607	4,400,607
a. Legislative Audit (Restricted/Biennial)					
31,360				31,360	
3. Community Colleges (Biennial)					
776,854				776,854	
4. Community Colleges Additional Cost					
372,747				372,747	
Total					
5,581,568				5,581,568	4,400,607
					4,400,607

Included in state special revenue appropriations in item 1 is \$990,000 in fiscal year 1996 and \$1,024,000 in fiscal year 1997 from revenue generated under the provisions of 20-16-202, which requires each county in which a college of technology is located to levy an annual tax of 1.5 mills on all taxable property within the county. Revenue received by the university system under the provisions of 20-16-202 that exceeds \$990,000 in fiscal year 1996 and \$1,024,000 in fiscal year 1997 is appropriated to the board of regents and requires a reversion of a like amount to the general fund. If revenue received under the provisions of 20-16-202 is less than \$990,000 in fiscal year 1996 and \$1,024,000 in fiscal year 1997, the commissioner of higher education may request a supplemental appropriation

Fiscal 1996				Fiscal 1997			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Total	Other	Total	Other

under the procedures contained in 17-7-301 for distribution to the university system. The supplemental request for the biennium may total no more than the difference between actual revenue and the appropriation.

Included in state special revenue appropriations in item 1 is \$13,497,000 in fiscal year 1996 and \$13,840,000 in fiscal year 1997 from revenue generated under the provisions of 20-25-423. Revenue received by the university system under the provisions of 20-25-423 that exceeds \$13,497,000 in fiscal year 1996 and \$13,840,000 in fiscal year 1997 is appropriated to the board of regents and requires a reversion of a like amount to the general fund. If revenue received under the provisions of 20-25-423 is less than \$13,497,000 in fiscal year 1996 and \$13,840,000 in fiscal year 1997, the commissioner of higher education may request a supplemental appropriation under the procedures contained in 17-7-301 for distribution to the university system. The supplemental request for the biennium may total no more than the difference between actual revenue and the appropriation.

Item 1 includes \$114,000 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvement through the state building energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$73,500; Montana state university-northern, \$36,900; and Montana state university-Billings, \$3,600.

Total audit costs are estimated to be \$733,121 for the university system for the biennium. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 1.

The board of regents may request a supplemental general fund appropriation for the biennium of up to \$15,000,000 for the biennium, less any tuition collected in excess of \$141,758,309. The Montana university system shall accept 24,759 resident students in fiscal year 1996 and 25,418 resident students in fiscal year 1997 in the six units and the colleges of technology, if qualified resident students apply.

The Montana university system is urged to make every possible effort to review all graduate level programs in the Montana university system and to eliminate unnecessary duplication in those programs, when possible, by September 1, 1996. The board of regents shall report to the 1997 legislature on the accomplishment of this request.

Any indirect cost reimbursements received by the office of the commissioner of higher education in excess of \$22,204 in each year of the biennium as a result of an increase in the federal talent search grant requires a reversion of a like amount to the general fund.

University system units are defined in 17-7-102(16). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in [Long-range planning bill] relating to long-range building, and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system units except the community colleges, the agricultural experiment station, the forest and conservation experiment station, the cooperative extension service, the bureau of mines and geology, and the fire services training school, all funds, other than funds appropriated in House Bill No. 5 for long-range building programs, are appropriated as a lump

Fiscal 1996				Fiscal 1997			
General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue
							Federal Special Revenue
							Propri- etary
							Other
							Total

sum for the biennium, contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Requests for transfer and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst prior to approval by the board of regents. All movement of funds between the current unrestricted subfund and the designated subfund accounts must be clearly identified in the state budgeting and accounting system.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classifications structure, along with the college and university business administration (CUBA) system, as a minimum standard for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide electronically to the office of budget and program planning and to the legislative fiscal analyst: (1) on January 1 and at fiscal yearend, the actual personal services data, which must tie to the actual expenditures as recorded on SBAS; and (2) by November 1 and at fiscal yearend, the budgeted personal services data, which must tie to the operating plan for expenditure of funds appropriated in [this act] and in the pay plan as approved by the regents. The personal services data described in subsections (1) and (2) must include but is not limited to the following for each position number: program number, responsibility center, budgeted and actual salary and benefits, fund type, and FTE position title and position type.

The general fund appropriation for the community colleges is the state share of the total unrestricted budgets for the community colleges in fiscal year 1996 and fiscal year 1997. The total unrestricted budgets for the community colleges must be approved by the board of regents.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provided 49% of the total audit cost. The remaining 51% of these costs must be paid from funds other than those appropriated in item 2. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

Item 3 is contingent on the failure of Senate Bill No. 396 to be passed and approved.

Item 4 is contingent on passage and approval of Senate Bill No. 396.

#### AGRICULTURAL EXPERIMENT STATION (5109)

1.	Organized Research (02)	1,922,589	392,472	9,489,758	7,199,105	1,922,589	392,472	9,514,166
	a. Legislative Audit (Restricted/Biennial)							



	Fiscal 1996					Fiscal 1997						
	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri- etary	Other	Total
2,216	2,216					2,216	2,216					2,216
2. United States Range Station (15)												
				498,134		498,134				501,412		501,412
Total												
7,176,913			1,922,589	890,606		9,990,108	7,201,321		1,922,589	893,884		10,017,794
COOPERATIVE EXTENSION SERVICE (5110)												
1. Public Service (03)												
2,813,773			2,294,568			5,108,341	2,813,212		2,294,568			5,107,780
a. Legislative Audit (Restricted/Biennial)												
1,381						1,381	1,381					1,381
Total												
2,815,154			2,294,568			5,109,722	2,814,593		2,294,568			5,109,161
FORESTRY AND CONSERVATION EXPERIMENT STATION (5111)												
1. Research (02)												
722,923						722,923	723,321					723,321
Total												
722,923						722,923	723,321					723,321
BUREAU OF MINES (5112)												
1. Bureau of Mines (11)												
1,323,913		666,000		44,000		2,033,913	1,324,447	666,000		44,000		2,034,447
Total												
1,323,913		666,000		44,000		2,033,913	1,324,447	666,000		44,000		2,034,447

		Fiscal 1996				Fiscal 1997							
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
FIRE SERVICES TRAINING SCHOOL (5119)													
1.	Public Service (03)	250,421					250,421	250,579					250,579
	a. Legislative Audit (Restricted/Biennial)	3,082					3,082						
Total		253,503					253,503	250,579					250,579
The fire services training school must be provided office, classroom, and storage space in the Great Falls vocational-technical center at no charge.													
TOTAL SECTION E		399,955,757	90,207,422	147,323,181	20,717,135		658,203,495	147,206,557	94,811,574	19,318,721	21,495,388		282,832,240
TOTAL STATE FUNDING		738,798,073	380,548,702	895,456,883	109,572,469	3,193,446	2,127,569,573	495,969,482	384,219,005	780,785,986	109,543,552	2,003,878	1,772,521,903
-End-													

-End-

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):  
SB 258, be amended as follows:

3/10/95

1. Title, line 11.  
Strike: "7-8-2218,"

2. Page 1, lines 16 through 22.  
Strike: section 1 in its entirety  
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 277, be amended as follows:

1. Page 1, line 20.  
Strike: "MORE"  
Insert: "less"

2. Page 1, line 22.  
Strike: "less than"  
Following: "15,000"  
Insert: "or more"

And, as amended, be concurred in. Report adopted.

SB 287, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):  
SJR 12, be concurred in. Report adopted.

3/10/95

STATE/FEDERAL RELATIONS (Curtiss, Chairman):  
HJR 27, introduced bill, be amended as follows:

3/10/95

1. Title, line 5.  
Following: "URGING"  
Insert: "THE UNITED STATES"

2. Page 1, line 7.  
Following: "President"  
Insert: "of the United States"

3. Page 1, line 11.  
Following: "WHEREAS,"  
Insert: "the United States"

4. Page 1, line 16.



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

Following: "That"  
Insert: "the United States"

5. Page 1, line 17.  
Following: "President"  
Insert: "of the United States"

And, as amended, do pass. Report adopted.

**SB 167**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):  
**HB 545**, introduced bill, be amended as follows:

3/10/95

1. Title, line 5.  
Strike: "EXISTING"

2. Title, lines 6 and 7.  
Strike: "; AND" on line 6 through "DATE" on line 7

3. Page 1, line 12.  
Strike: "Improvements"  
Insert: "Any additional value associated with specific improvements"  
Following: "existing"  
Insert: "or new"  
Following: "building"  
Insert: ", after December 31, 1995,"

4. Page 1, lines 13 and 14.  
Strike: "be used to"

5. Page 1, line 15.  
Following: "section"  
Insert: "by March 1 of the tax year for which the exemption is sought"

6. Page 1, line 26 through 30.  
Strike: subsection (4) in its entirety

7. Page 2, lines 5 through 7.  
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 562**, introduced bill, be amended as follows:

1. Title, line 4.  
Strike: "CHANGING"  
Insert: "DELETING"

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 10, 1995

2. Title, lines 5 and 6.

Strike: "FROM" on line 5

Insert: "THAT REQUIRED"

Strike: "TO" on line 5 through "FROM" on line 6

Insert: "IN"

3. Page 2, line 4.

Strike: "Except as provided in subsection (8), contiguous"

Insert: "Contiguous"

4. Page 2, line 28 through page 3, line 3.

Strike: subsection (8) in its entirety

And, as amended, do pass. Report adopted.

**SB 393**, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March 11, 1995. Motion carried.

House adjourned at 3:35 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 11, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Steve Vick. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ellingson, Green, Grimes, McCann, Molnar, T. Nelson, Orr, Simon, Swanson, Tuss, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-fifth legislative day, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's Honorary pages:

Nick Janeway, Polson  
Holly Smith, Deer Lodge  
Aislinn Addington, Bonner  
Cara Cocchiarella, Missoula  
April Albert, Missoula  
Abby Johnson, Helena

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/11/95

Correctly engrossed for third reading: HB 524, HB 574.

Correctly enrolled: HB, 50, HB 64, HB 141, HB 144, HB 162, HB 199, HB 231, HB 306, HB 386, HB 392, HB 494, HB 559, HJR 11, HJR 17, HJR 19.

Examined by the sponsor and found to be correct: HB 50, HB 64, HB 141, HB 144, HB 199, HB 231, HB 306, HB 392, HB 494, HB 559, HJR 17, HJR 19.

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman): 3/10/95  
SB 207, be amended as follows:

1. Page 1, line 21.

Following: second "activity"

Insert: "that provides an annual gross income of not less than \$1,500 or"

2. Page 1, line 22.

Following: "AGRICULTURAL"

Insert: "or forest"

Strike: "AND THAT OCCURS"

Insert: ". The condition or activity must occur"

3. Page 2, line 16.

Following: "THE"

Insert: "growing, raising, or"



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

4. Page 2, line 18.

Following: "\$1,500"

Insert: "or that occurs on land that is classified as agricultural or forest land for taxation purposes"

5. Page 2, line 23.

Following: "breeding"

Insert: ", feeding,"

6. Page 3, line 7.

Following: second "activities"

Insert: "outside the boundaries of an incorporated city or town"

And, as amended, be concurred in. Report adopted.

SB 364, be concurred in. Report adopted.

SB 365, be concurred in. Report adopted.

SB 394, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/10/95

**HJR 11**, introduced by Tuss

**HJR 17**, introduced by Tropila

**HJR 19**, introduced by Pavlovich

House bills concurred in and returned to the House:

3/10/95

**HB 141**, introduced by Story

**HB 144**, introduced by Harrington

**HB 199**, introduced by Elliott

**HB 306**, introduced by Hayne

**HB 494**, introduced by Clark

**HB 559**, introduced by Menahan

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/10/95

**HB 164**, introduced by Harper

**HB 462**, introduced by Ewer

House amendments to Senate bill concurred in:

**SB 220**, introduced by Bartlett

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 38** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Boharski, Carey, Cobb, Curtiss, DeBruycker, Ewer, Feland, Galvin, Hagener, M. Hanson, Harper, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Larson, McCann, McCulloch, Murdock, Nelson, Peck, Raney, Schwinden, Taylor, Tropila, Vick, Wyatt.  
Total 29

Voted Absentee: Ellingson, Green, Grimes, Orr, Swanson, Ayes; McCann, Nelson, Noes.

Excused: Elliott, Molnar, Simon, Tuss.  
Total 4

Absent or not voting: S. Smith.  
Total 1

**HB 524** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Fisher, Fuchs, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Ream, Rose, Ryan, Schwinden, Shea, Sliter, Somerville, Story, Swanson, Taylor, Trexler, Wells, Wennemar, Wyatt, Mr. Speaker.  
Total 57

Noes: Arnott, Barnett, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Forbes, Galvin, Green, Grimes, Grinde, Hayne, Jore, Kasten, Knox, Martinez, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Simpkins, L. Smith, Soft, Squires, Stovall, Tash, Tropila, Vick, Wagner, Wiseman, Zook.  
Total 38

Voted Absentee: Ellingson, McCann, Molnar, Nelson, Swanson, Ayes; Green, Grimes, Orr, Noes.

Excused: Elliott, Simon, Tuss.  
Total 3

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Absent or not voting: McCulloch, S. Smith.  
Total 2

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 103** - Representative Barnett moved SB 103 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Jore, McGee, Molnar.  
Total 3

Voted Absentee: Green, Grimes, McCann, Nelson, Orr, Rose, Swanson, Tuss, Ayes; Molnar, No.

Excused: Ellingson, Simon.  
Total 2

Absent or not voting: None.  
Total 0

**SB 114** - Representative Somerville moved SB 114 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Noes: Brainard, Curtiss, DeBruycker, Denny, Feland.  
Total 5

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

**SB 122** - Representative Fuchs moved SB 122 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Hagener, Heavy Runner, Hurdle, J. Johnson, Kadas, McGee, Menahan, Peck, Tropila, Wennemar, Wyatt.  
Total 11

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: Simon.  
Total 1

Absent or not voting: Galvin.  
Total 1

**SB 201** - Representative Kottel moved SB 201, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 11.

Following: "tests."

Insert: "In the case of an accident referred to in subsection (1)(c)(ii), the tests may not be delayed, but the person, firm, corporation, or other business entity or its representative shall, as soon as possible, make a written finding as to whether the act or failure to act is believed to be a direct or proximate cause of the accident and shall provide the tested employee with a copy of the finding."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Cobb, Denny, Rehbein, Sliter.

Total 4

Excused: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Simon, Swanson, Tuss.

Total 11

Absent or not voting: Marshall, Mills, Story.

Total 3

Representative Ellis moved SB 201, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Cocchiarella, Ellingson, Hurdle, Kadas, Squires, Wennemar, Wyatt.

Total 7

Voted Absentee: Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Ayes; Ellingson, No.

Excused: Simon, Tuss.

Total 2

Absent or not voting: Fisher.

Total 1

**SB 204** - Representative Knox moved SB 204 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 96

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Noes: None.

Total 0

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: Simon.

Total 1

Absent or not voting: Harrington, Herron, Mr. Speaker.

Total 3

**SB 78** - Representative Knox moved SB 78 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Kasten.

Total 2

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: Simon.

Total 1

Absent or not voting: Bergman, Ryan.

Total 2

**SB 268** - Representative Larson moved SB 268 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, Barnhart, Hurdle.

Total 3



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: Simon.

Total 1

Absent or not voting: Keenan.

Total 1

Representative Simon present at this time.

**HB 9** - Representative Bergsagel moved HB 9 do pass.

Representative Vick moved HB 9, second reading copy, be amended (amendment #1). Motion failed as follows:

Ayes: Ahner, Arnott, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Fuchs, Grinde, Hayne, Heavy Runner, Jore, Kasten, Keenan, Marshall, Martinez, McGee, Murdock, Rehbein, Sliter, L. Smith, S. Smith, Tash, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 33

Noes: Anderson, Barnett, Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 61

Voted Absentee: ; Ellingson, McCann, Swanson, Tuss, Noes.

Excused: Green, Grimes, Molnar, Nelson, Orr, Rose.

Total 6

Absent or not voting: None.

Total 0

The do pass motion of Representative Bergsagel carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Boharski, Brainard, DeBruycker, Grinde, Heavy Runner, Jore, Kasten, Keenan, Marshall, Martinez, Molnar, Rehbein, S. Smith, Vick, Wagner, Wennemar.

Total 17

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Voted Absentee: Ellingson, Green, Grimes, McCann, Nelson, Orr, Rose, Swanson, Tuss, Ayes; Molnar, No.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

Representative Grinde moved the House recess until 9:30 a.m. Motion carried.

House recessed at 9:10 a.m.

House reconvened at 9:35 a.m. Representative Grinde in the Chair.

**SB 374** - Representative Simon moved SB 374 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375** - Representative Hibbard moved SB 375 be concurred in.

Representative Ewer moved SB 375, second reading copy, be amended (amendment #1). Motion failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Tropila, Wagner, Wennemar, Wyatt.

Total 31

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.  
Total 62

Voted Absentee: Grimes, Nelson, Orr, Noes.

Excused: Ellingson, Green, McCann, Molnar, Rose, Swanson, Tuss.  
Total 7

Absent or not voting: None.  
Total 0

The be concurred motion of Representative Hibbard carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 71

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Larson, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Ream, Ryan, Schwinden, Shea, Squires, Tropila, Tuss, Wennemar, Wyatt.  
Total 28

Voted Absentee: Green, Grimes, McCann, Nelson, Orr, Rose, Swanson, Ayes; Ellingson, Molnar, Tuss, Noes.

Excused: None.  
Total 0

Absent or not voting: Heavy Runner.  
Total 1

Representative Brainard excused at this time.

**HB 554** - Representative Harper moved HB 554 do pass.

Representative Harper moved consideration of HB 554 be placed below SB 121 on the second reading board.  
Motion carried.

**HJR 9** - Representative Harrington moved HJR 9 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Keenan,



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Hayne, R. Johnson, Jore, McGee, Rehbein, Simpkins, S. Smith, Taylor, Wagner, Wells.

Total 19

Voted Absentee: Ellingson, Green, McCann, Molnar, Rose, Swanson, Tuss, Ayes; Brainard, No.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: None.

Total 0

Representative Hibbard resumed the chair at this time.

**SB 2** - Representative Ewer moved SB 2 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Brainard, Ellingson, Green, McCann, Molnar, Rose, Swanson, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: Kitzenberg, Tash.

Total 2

**SB 8** - Representative Ewer moved SB 8 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker.

Total 1

Voted Absentee: Brainard, Ellingson, Green, McCann, Molnar, Rose, Swanson, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: None.

Total 0

**SB 19** - Representative Fuchs moved SB 19 be concurred in. Motion carried as follows:

Ayes: Anderson, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Pavlovich, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Ahner, Arnott, Barnett, Barnhart, Boharski, Brainard, Cobb, Curtiss, Elliott, Ewer, Fisher, Green, Harper, Herron, Hurdle, Jore, Kadas, Kasten, Keenan, McCann, Molnar, Peck, Rehbein, Rose, Simon, Simpkins, L. Smith, S. Smith, Story, Vick, Wagner, Wells, Wennemar, Wiseman.

Total 34

Voted Absentee: Ellingson, Swanson, Tuss, Ayes; Brainard, Green, McCann, Molnar, Rose, Noes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: None.

Total 0

**SB 82** - Representative Bohlinger moved SB 82 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Mills, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Molnar.

Total 1

Voted Absentee: Brainard, Ellingson, Green, McCann, Rose, Swanson, Tuss, Ayes; Molnar, No.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: None.

Total 0

**SB 87** - Representative Anderson moved SB 87 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Cobb, Curtiss.

Total 2

Voted Absentee: Brainard, Ellingson, Green, McCann, Molnar, Rose, Swanson, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: Rehbein.

Total 1

Representative Fisher excused at this time.

**SB 112** - Representative Ellis moved SB 112 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Fuchs, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Ohs, Peck, Quilici, Raney, Schwinden, Shea, Simon, Soft, Stovall, Swanson, Tash, Taylor,



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Boharski, Carey, Denny, Devaney, Feland, Fisher, Forbes, Galvin, Hurdle, Jore, Kadas, Keenan, Kottel, Martinez, Menahan, Pavlovich, Ream, Rehbein, Rose, Ryan, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wyatt.  
Total 34

Voted Absentee: Brainard, Ellingson, Green, McCann, Molnar, Swanson, Ayes; Fisher, Rose, Tuss, Noes.

Excused: Grimes, Nelson, Orr.  
Total 3

Absent or not voting: None.  
Total 0

**SB 117** - Representative Bohlinger moved SB 117 be concurred in. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, Soft, Somerville, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.  
Total 70

Noes: Anderson, Bergsagel, Brainard, Cobb, DeBruycker, Devaney, Feland, Fisher, Fuchs, Green, M. Hanson, Jore, Kasten, Keenan, Masolo, McCann, Molnar, Simon, L. Smith, S. Smith, Taylor, Wagner, Zook.  
Total 23

Voted Absentee: Ellingson, Rose, Swanson, Ayes; Brainard, Fisher, Green, McCann, Molnar, Noes.

Excused: Grimes, Nelson, Orr, Tuss.  
Total 4

Absent or not voting: Hurdle, Ream, Squires.  
Total 3

**SB 121** - Representative Forbes moved SB 121 be concurred in. Motion carried as follows:

Ayes: Ahner, Barnett, Bergman, Bergsagel, Bohlinger, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Jore, Kadas, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 69

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Noes: Anderson, Arnott, Barnhart, Boharski, Brainard, Clark, Cobb, Elliott, Fisher, Heavy Runner, Holland, Hurdle, Kasten, Keenan, Kitzenberg, Knox, Kottel, McGee, Mills, Molnar, Ohs, Ryan, S. Smith, Somerville, Stovall, Wagner, Wyatt.

Total 27

Voted Absentee: Ellingson, Green, McCann, Rose, Swanson, Tuss, Ayes; Brainard, Fisher, Molnar, Noes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: Feland.

Total 1

**HB 554** - Representative Simon moved HB 554, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 22.

Strike: "\$250"

Insert: "\$500"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Devaney, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Trexler, Tropila, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Bergman, Cobb, DeBruycker, Denny, Feland, M. Hanson, Harper, Hayne, Jore, Kadas, Ream, Rehbein, Simon, S. Smith, Taylor, Vick, Wagner, Wells, Wennemar, Wyatt.

Total 20

Excused: Brainard, Ellingson, Green, Grimes, McCann, Molnar, Nelson, Orr, Rose, Swanson, Tuss.

Total 11

Absent or not voting: Fisher, Grinde.

Total 2

Representative Harper moved HB 554, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bohlinger, Carey, Cobb, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McKee, Ohs, Peck, Raney, Ream, Rose, Schwinden, Shea, Simon, L. Smith, Story, Stovall, Swanson, Tash, Taylor, Wennemar, Wyatt, Zook.

Total 53

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Noes: Arnott, Bergman, Bergsagel, Boharski, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Forbes, Fuchs, Hagener, Hayne, Herron, Holland, Jore, Keenan, Larson, McCulloch, McGee, Menahan, Mills, Murdock, Pavlovich, Quilici, Rehbein, Ryan, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 42

Voted Absentee: Ellingson, Green, McCann, Rose, Swanson, Ayes; Brainard, Tuss, Noes.

Excused: Grimes, Molnar, Nelson, Orr.

Total 4

Absent or not voting: Fisher.

Total 1

Representatives Cobb, M. Hanson and Taylor excused at this time.

**SB 147** - Representative Tash moved SB 147 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: DeBruycker, Hagener, Hurdle.

Total 3

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Taylor, Tuss, Ayes.

Excused: Cobb, Grimes, Nelson, Orr, Swanson.

Total 5

Absent or not voting: Grady.

Total 1

**SB 151** - Representative Ewer moved SB 151 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Cobb, Grimes, Nelson, Orr.  
Total 4

Absent or not voting: Ellis, R. Johnson.  
Total 2

**SB 163** - Representative Devaney moved SB 163 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Tropila, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 72

Noes: Arnott, Barnhart, Boharski, Clark, Denny, Feland, Green, Kasten, Keenan, McGee, Rehbein, S. Smith, Story, Tash, Trexler, Vick, Wagner, Wyatt.  
Total 18

Voted Absentee: Brainard, Ellingson, Fisher, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Ayes; Green, No.

Excused: Cobb, Grimes, Nelson, Orr, Tuss.  
Total 5

Absent or not voting: Ellis, Fuchs, Harrington, Kadas, Quilici.  
Total 5

**SB 200** - Representative Quilici moved consideration of SB 200 be passed for the day. Motion carried.

**SB 205** - Representative Fuchs moved SB 205 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 85

Noes: Barnhart, Cobb, Cocchiarella, Elliott, Ewer, Harper, Raney, Wyatt.  
Total 8

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes; Cobb, No.

Excused: Grimes, Nelson, Orr.  
Total 3

Absent or not voting: Boharski, Ellis, Kadas, Murdock.  
Total 4

**SB 211** - Representative Mills moved SB 211 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 95

Noes: Wyatt.  
Total 1

Voted Absentee: Brainard, Cobb, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.  
Total 3

Absent or not voting: Murdock.  
Total 1

**SB 233** - Representative Mercer moved SB 233 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cobb.

Total 1

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes; Cobb, No.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: Bergman, Boharski, Heavy Runner, McCulloch, Simon.

Total 5

**SB 245** - Representative Devaney moved SB 245 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Barnhart, Cocchiarella, Hagener, Harper, Hurdle, Kadas, Peck, Raney, Wyatt.

Total 9

Voted Absentee: Brainard, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Cobb, Ellingson, Grimes, Nelson, Orr.

Total 5

Absent or not voting: Boharski, Forbes, Grinde.

Total 3

**SB 286** - Representative Bohlinger moved SB 286 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Jore.  
Total 2

Voted Absentee: Brainard, Cobb, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.  
Total 3

Absent or not voting: Mills.  
Total 1

**SB 289** - Representative Kadas moved SB 289 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: DeBruycker, Feland, Hayne, Jore, Kasten, Rehbein, S. Smith.  
Total 7

Voted Absentee: Brainard, Cobb, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Grimes, Nelson, Orr.  
Total 3

Absent or not voting: Boharski, Curtiss, Trexler.  
Total 3

**SB 317** - Representative Mills moved SB 317 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: DeBruycker, Kasten.  
Total 2

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Cobb, Grimes, Nelson, Orr.  
Total 4

Absent or not voting: Larson.  
Total 1

**SB 329** - Representative Larson moved SB 329 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Feland, Hayne, Kasten, Rehbein, L. Smith, S. Smith.  
Total 6

Voted Absentee: Brainard, Cobb, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Taylor, Tuss, Ayes.

Excused: Grimes, Nelson, Orr, Swanson.  
Total 4

Absent or not voting: Bergsagel, Grady.  
Total 2

**SB 335** - Representative Forbes moved SB 335 be concurred in.

Representative Kottel moved SB 335, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.  
Strike: "THE DELINQUENCY FEE AND"

2. Title, line 6.  
Strike: "SECTIONS 31-1-235 AND"  
Insert: "SECTION"

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

3. Page 1, lines 10 through 18.

Strike: Section 1 in its entirety

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Barnhart, Bergsagel, Carey, Clark, Cocchiarella, Elliott, Ellis, Ewer, Feland, Galvin, Hagener, Harrington, Hayne, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Martinez, McCulloch, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Soft, Somerville, Squires, Story, Trexler, Tropila, Wennemar, Wyatt.

Total 44

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Curtiss, DeBruycker, Denny, Devaney, Forbes, Fuchs, Grady, Grinde, H.S. Hanson, Hibbard, Holland, R. Johnson, Jore, Keenan, Knox, Marshall, Masolo, McGee, McKee, Simon, Simpkins, Sliter, L. Smith, S. Smith, Stovall, Tash, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 39

Excused: Brainard, Cobb, Ellingson, Fisher, Green, Grimes, M. Hanson, McCann, Molnar, Nelson, Orr, Rose, Swanson, Taylor, Tuss.

Total 15

Absent or not voting: Harper, Murdock.

Total 2

Representative Forbes moved consideration of SB 335 be passed for the day. Motion carried.

SB 337 - Representative Simpkins moved SB 337 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Brainard, Ellingson, Fisher, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Tuss, Ayes.

Excused: Cobb, Grimes, Nelson, Orr.

Total 4



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

Absent or not voting: None.

Total 0

**HB 137** - Representative Story moved Senate amendments to HB 137 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Cocchiarella, Denny, Green, Heavy Runner, Hurdle, Kadas, Kottel, McCulloch, Rehbein, Squires, Wennemar, Wyatt.

Total 12

Voted Absentee: Brainard, Fisher, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Ayes; Green, No.

Excused: Cobb, Ellingson, Grimes, Nelson, Orr, Tuss.

Total 6

Absent or not voting: Grady.

Total 1

**HB 252** - Representative Squires moved Senate amendments to SB 252 be concurred in. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Anderson, Green, Keenan, S. Smith.

Total 4

Voted Absentee: Brainard, Fisher, M. Hanson, McCann, Molnar, Rose, Swanson, Taylor, Ayes; Green, No.

Excused: Cobb, Ellingson, Grimes, Nelson, Orr, Tuss.

Total 6

Absent or not voting: Squires.

Total 1

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

**HB 319** - Representative Tropila moved Senate amendments to HB 319 be concurred in. Motion carried as follows:

Ayes: Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 60

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Fisher, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, Masolo, Ohs, Rehbein, L. Smith, S. Smith, Somerville, Stovall, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 35

Voted Absentee: Ellingson, Green, M. Hanson, McCann, Molnar, Rose, Swanson, Tuss, Ayes; Brainard, Cobb, Fisher, Taylor, Noes.

Excused: Grimes, Nelson, Orr.

Total 3

Absent or not voting: Grady, Mills.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved that the Committee of the Whole report be adopted. Report adopted. (68-13)

**MOTIONS**

**HB 9** - Representative Wells moved he be allowed to change his vote on HB 9, Amendment #1, second reading, from nay to aye. Motion carried.

**SB 38** - Representative Hurdle moved she be allowed to change her vote on SB 38, third reading, from aye to nay. Motion carried.

**HB 554** - Representative Sliter moved that he be removed as a sponsor from HB 554. Motion carried.

Representative Somerville moved that he be removed as a sponsor from HB 554. Motion carried.

Representative Forbes moved that she be removed as a sponsor from HB 554. Motion carried.

**SB 375** - Representative Simpkins moved he be allowed to change his vote on SB 375, second reading, from not voting to aye. Motion carried.

**SB 335** - Representative Grinde moved SB 335 be taken from second reading and rereferred to the Committee on Business & Labor. Motion carried.

**HB 135** - Representative Grinde moved the House accede to the request of the Senate to return HB 135 for further

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 11, 1995

consideration. Motion carried.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 593**, introduced by Denny, referred to Committee on State Administration.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 13, 1995. Motion carried.

House adjourned at 2:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 13, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Martinez's daughter Karla Dababneh. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ellis, Denny, Tuss, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 3/13/95  
Correctly printed for second reading: HB 513.  
Correctly engrossed for third reading: HB 9, HB 554, HJR 9.  
Examined by the sponsor and found to be correct: HB 162, HB 386, HJR 11.  
Signed by the Speaker at 6:41 p.m., 3/11/95: HB 63, HB 113, HB 136, HB 142, HB 161, HB 179, HB 204, HB 208, HB 212, HB 229, HB 278, HB 282, HB 321, HB 324, HB 331, HB 333, HB 334, HB 337, HB 455, HB 502.

**APPROPRIATIONS** (Zook, Chairman): 3/11/95  
**HB 513**, introduced bill, do pass. Report adopted.

**SB 156**, be concurred in. Report adopted.

**SB 265**, be concurred in. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman): 3/11/95  
**SB 86**, be concurred in. Report adopted.

**SB 281**, be concurred in. Report adopted.

**SB 283**, be concurred in. Report adopted.

**SB 294**, be concurred in. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman): 3/13/95  
**SB 124**, be concurred in. Report adopted.

**SB 271**, be amended as follows:

1. Title, line 5.

Following: "DEPARTMENT"

Insert: "OF FAMILY SERVICES"

2. Title, line 6.

Following: "HOME;"

Insert: "REQUIRING A DEPARTMENT INVESTIGATION OF PERSONS LIVING IN THE HOME;"

3. Page 1, line 29.

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Following: "facility."

Insert: "Prior to approving a home, the department shall investigate whether anyone living in the home has been convicted of a crime involving serious harm to children."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):  
SB 153, be amended as follows:

3/13/95

1. Title, lines 10 and 11.

Strike: "MODIFYING" on line 10 through "SYSTEMS" on line 11

Insert: "CLARIFYING CERTAIN DEFINITIONS IN THE OPERATOR CERTIFICATION LAWS"

2. Page 3, lines 7 through 9.

Strike: subsection 5 in its entirety

Renumber: subsequent subsections

3. Page 3, line 23.

Strike: "or" through "SCHOOL"

4. Page 3, lines 27 and 28.

Strike: "or" on line 27 through "SCHOOL" on line 28

And, as amended, be concurred in. Report adopted.

SB 186, be concurred in. Report adopted.

SB 231, be concurred in. Report adopted.

SB 288, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/11/95

HB 50, introduced by Larson

HB 64, introduced by Ewer

HB 162, introduced by Taylor

HB 231, introduced by Pavlovich

HB 386, introduced by Rose

HB 392, introduced by Ryan

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/11/95

HB 41, introduced by L. Smith

HB 176, introduced by Hagener

HB 280, introduced by Barnett

HB 564, introduced by Trexler



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

House amendments to Senate bills concurred in:

SB 177, introduced by Foster  
SB 327, introduced by Klampe

Senate bill passed and transmitted to the House for concurrence:

3/11/95

SB 387, introduced by Beck

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 61 sponsored by Representative Thomas Nelson on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 105 sponsored by Representative Bohlinger on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 115 sponsored by Representative Barnhart on March 10, 1995.

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 146 sponsored by Representative McGee on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 147 sponsored by Representative McGee on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 148 sponsored by Representative McGee on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House

March 10, 1995

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 175 sponsored by Representatives Hagener and Bergman on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 205 sponsored by Representatives John Johnson et al. on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 243 sponsored by Representative Menahan on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Please be informed that I have signed House Bill 288 sponsored by Representatives Marshall et al. on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 291 sponsored by Representatives Fuchs and Rehbein on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 310 sponsored by Representatives Barnett et al. on March 10, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 379 sponsored by Representatives Murdock et al. on March 10, 1995.

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 13, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 174 sponsored by Representatives Hagener and Ahner on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 13, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 216 sponsored by Representatives Cocchiarella et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 13, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 285 sponsored by Representatives Larson et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 594**, introduced by Bergsagel, referred to Committee on Appropriations.

**HB 595**, introduced by Bergsagel, referred to Committee on Appropriations.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 387**, introduced by Beck, referred to Committee on Natural Resources.

Representative Tuss present at this time.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Orr in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 364** - Representative Simpkins moved consideration of SB 364 be placed below SB 253 on the second reading board. Motion carried.

**SB 258** - Representative McKee moved SB 258 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Arnott, Brainard, Clark, DeBruycker, Feland, Fuchs, Green, Grinde, Hayne, Jore, Keenan, Martinez, McGee, Rehbein, L. Smith, S. Smith, Story, Trexler, Vick, Wagner, Wells, Zook.

Total 22

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

**SB 277** - Representative Bergsagel moved SB 277 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Fuchs, Heavy Runner, Jore, McGee, Wagner.

Total 6

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar, Schwinden, Simon, Story.

Total 4

**SB 287** - Representative Hibbard moved SB 287 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Carey, Cobb, Cocchiarella, Elliott, Ewer, Forbes, Galvin, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellingson, Soft.

Total 2

**SB 365** - Representative Taylor moved SB 365 be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Anderson, Devaney, Keenan.

Total 3

**SJR 12** - Representative Mercer moved SJR 12 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Tuss.

Total 1

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

**HJR 27** - Representative McCann moved HJR 27 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher,

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Harrington, Wyatt.

Total 2

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Jore, Keenan, Sliter.

Total 3

**SB 181** - Representative Ream moved SB 181 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Boharski, Bohlinger, Carey, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Bergman, Bergsagel, Brainard, Clark, Cobb, DeBruycker, Devaney, Feland, Grinde, Jore, Kasten, Kitzenberg, Murdock, Nelson, Orr, Rehbein, Story, Stovall, Taylor, Trexler, Vick, Wagner, Zook.

Total 23

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 207** - Representative Rose moved SB 207 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall,



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Carey, Hagener, Hurdle, Kadas, Peck, Wyatt.

Total 6

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: Curtiss, Grinde.

Total 2

**SB 253** - Representative Simon moved SB 253 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Feland, Jore, Kasten, S. Smith, Wagner.

Total 5

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 364** - Representative Grinde moved consideration of SB 364 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 394** - Representative Grinde moved SB 394 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland,

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Barnhart, Cocchiarella, Ellingson, Ewer, Hagener, Hurdle, Kadas, Kottel, McCulloch, Ream, Squires, Swanson, Tuss, Wyatt.  
Total 14

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 303** - Representative Pavlovich moved SB 303 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tuss, Wells, Wennemar, Zook, Mr. Speaker.  
Total 60

Noes: Ahner, Arnott, Bergsagel, Boharski, Cocchiarella, Curtiss, DeBruycker, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, Hayne, Heavy Runner, Herron, Hurdle, Jore, Kasten, Kitzenberg, Kottel, Masolo, Mills, Molnar, Ohs, Orr, Rehbein, Ryan, L. Smith, S. Smith, Story, Taylor, Tropila, Vick, Wagner, Wiseman, Wyatt.  
Total 39

Voted Absentee: Denny, Ellis, Ayes.

Excused: None.  
Total 0

Absent or not voting: Simpkins.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Orr moved that the Committee of the Whole report be adopted. Report adopted. (88-7)

**REPORTS OF STANDING COMMITTEES**

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):

3/13/95

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

**SB 140**, be amended as follows:

1. Page 1, line 18.

Following: "may"

Insert: "issue a letter of reprimand or may"

And, as amended, be concurred in. Report adopted.

**SB 250**, be amended as follows:

1. Title, line 6.

Following: line 5

Insert: "IMMEDIATE"

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 14.

Following: "~~balance~~"

Strike: "THE"

Insert: "At the end of each school fiscal year, the"

3. Page 1, lines 15 and 16.

Following: "fund." on line 15

Strike: remainder of line 15 through line 16

4. Page 2, line 20.

Following: "date"

Insert: "-- retroactive applicability"

Strike: "July 1, 1995"

Insert: "on passage and approval and applies retroactively, within the meaning of 1-2-109, to the school fiscal year beginning July 1, 1994"

And, as amended, be concurred in. Report adopted.

**SJR 11**, be concurred in. Report adopted.

**SJR 13**, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/13/95

**SB 185**, be amended as follows:

1. Page 3, line 10.

Following: "relief"

Insert: ", which must include an order that the department reimburse the petitioner for court fees paid by the petitioner"

And, as amended, be concurred in. Report adopted.



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

**SB 189**, be amended as follows:

1. Page 3, line 9.

Following: "STATE."

Insert: "Action by the department under this subsection is not reviewable under 61-8-403."

2. Page 4, line 6.

Insert: "(5) This section does not grant a right of appeal to a state court if a driver's license is initially seized, suspended, or revoked pursuant to a tribal law or regulation that requires alcohol or drug testing of motor vehicle operators."

And, as amended, be concurred in. Report adopted.

**SB 278**, be concurred in. Report adopted.

**SB 402**, be amended as follows:

1. Title, line 7.

Strike: "ENACTING FEDERAL LEGISLATION AS REQUIRED;"

2. Page 1, line 13.

Strike: "necessary"

Insert: "appropriate"

Strike: "enacting federally required legislation in order"

3. Page 1, line 14.

Strike: "to maintain adequate levels of federal funding and"

4. Page 1, line 17.

Following: "bills"

Insert: "; and

WHEREAS, parents should be held responsible for providing medical care for their children, whether or not the parents voluntarily do so"

5. Page 3.

Following: line 11

Insert: "(12) "Plan administrator" means the person or entity that assesses and collects premiums, accepts and processes claims, and pays benefits."

Renumber: subsequent subsections

6. Page 10, line 15.

Strike: "for being under"

Insert: "solely because of the issuance of"

7. Page 10, line 16.

Strike: "a"

Insert: "the issuance of the"

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 13, 1995

8. Page 10, line 19.

Strike: "less"

Insert: "more"

9. Page 10, lines 19 through 23.

Strike: "and order" on line 19 through "fund" on line 23

10. Page 24, line 12.

Strike: "a temporary or final"

Insert: "an"

Strike: "for the periodic payment of a set"

11. Page 24, line 13.

Following: line 12

Strike: "or"

Insert: "a"

Strike: "of money"

Following: "~~funds for~~"

Insert: "temporary or final periodic payment of funds for"

12. Page 24, line 14.

Strike: "including" through "the child,"

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 14, 1995. Motion carried.

House adjourned at 2:55 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 14, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Don A. Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Harper, Heavy Runner, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

3/14/95

Correctly printed for second reading: HB 346, HB 588.

Correctly engrossed for third reading: HJR 27.

Correctly enrolled: HB 100, HB 135, HB 154, HB 166, HB 188, HB 226, HB 235, HB 253, HB 263, HB 318, HB 342, HB 463, HB 474, HB 527, HB 549, HJR 10.

Examined by the sponsor and found to be correct: HB 100, HB 135, HB 154, HB 166, HB 188, HB 226, HB 235, HB 253, HB 263, HB 318, HB 342, HB 463, HB 474, HB 527, HB 549, HJR 10.

Signed by the Speaker at 6:37 p.m., 3/13/95: HB 50, HB 64, HB 141, HB 144, HB 162, HB 199, HB 231, HB 306, HB 386, HB 392, HB 494, HB 559, HJR 11, HJR 17, HJR 19.

**TAXATION** (Hibbard, Chairman):

3/13/95

**HB 346**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

Strike: "PROVIDING" on line 5 through "ELECTION;" on line 7

Insert: "REQUIRING NOTICE OF A PROPERTY TAX REFUND TO BE INCLUDED WITH RESIDENTIAL PROPERTY TAX NOTICES; AMENDING SECTION 15-30-171, MCA;"

Following: the first "AN" on line 7

Insert: "IMMEDIATE"

Strike: the second "AN"

Insert: "A RETROACTIVE"

2. Page 1, lines 21 through 23.

Strike: "on the" on line 21 through "months" on line 23

Insert: "by an individual"

3. Page 2, lines 2 through 5.

Strike: ":" on line 2 through "(2)" on line 5

Strike: the first "the" on line 5

Insert: "a"

4. Page 2, line 6.

Following: "period."

Insert: "The individual may own and occupy more than one residence during the year and qualify for the credit under [sections 1 through 8] if the total occupancy is for 7 months or more. The claim may be for either residence."

5. Page 2, lines 13 and 14.



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Strike: "The" on line 13 through "extension." on line 14

6. Page 2, line 18.

Following: "relief"

Insert: "-- notice"

7. Page 2, line 25.

Following: "chapter."

Insert: "The department shall issue a refund to the claimant."

8. Page 2, line 26.

Insert: "(3) With each property tax notice involving residential property, there must be a statement, approved by the department, that the homeowner may be entitled to a property tax refund. The statement must stand out prominently and may be printed on the property tax notice or may be a separate document included with the tax notice."

9. Page 3, line 11.

Following: "claim."

Insert: "Each county shall specify the value of the residential improvement, tax rate, and mill levy."

10. Page 3, line 13.

Strike: "a"

Insert: "the claimant does not timely pay the property taxes for which a claim is filed or if an otherwise"

11. Page 3, line 18.

Insert: "Section 9. Section 15-30-171, MCA, is amended to read:

"15-30-171. Residential property tax credit for elderly -- definitions. As used in 15-30-171 through 15-30-179, the following definitions apply:

(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(2) "Claimant" means an individual natural person who is eligible to file a claim under 15-30-172.

(3) "Department" means the department of revenue.

(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to ad valorem taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means \$0 or the amount obtained by subtracting the greater of \$4,000 or 50% of total retirement benefits from gross household income, whichever is greater.

(9) "Income" means federal adjusted gross income, without regard to loss, as that quantity is defined in

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

- (a) the gross amount of any pension or annuity (including Railroad Retirement Act benefits and veterans' disability benefits);
- (b) the amount of capital gains excluded from adjusted gross income;
- (c) alimony;
- (d) support money;
- (e) nontaxable strike benefits;
- (f) cash public assistance and relief;
- (g) payments and interest on federal, state, county, and municipal bonds; and
- (h) all payments received under federal social security except social security income paid directly to a nursing home.

(10) "Property tax paid" means general ad valorem taxes levied against the homestead, exclusive of special assessments, penalties, or interest and paid during the claim period. Any tax credit claimed under [sections 1 through 8] must be deducted from the amount of property taxes upon which a credit is determined under 15-30-171 through 15-30-179.

(11) "Rent-equivalent tax paid" means 15% of the gross rent. ""

Renumber: subsequent sections

12. Page 3, line 23.

Strike: "on approval by the electorate"

Insert: "on passage and approval"

13. Page 3, line 25.

Strike: "Applicability"

Insert: "Retroactive applicability"

Following: "applies"

Insert: "retroactively, within the meaning of 1-2-109,"

14. Page 3, line 26.

Strike: "1996"

Insert: "1994"

15. Page 3, line 28 through page 4, line 2.

Strike: section 12 in its entirety

And, as amended, do pass. Report adopted.

**HB 588**, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "4"

Insert: "5"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/13/95

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

HB 100, introduced by McKee  
HB 135, introduced by Cobb  
HB 154, introduced by Kasten  
HB 166, introduced by McGee  
HB 188, introduced by Wiseman  
HB 226, introduced by Vick  
HB 235, introduced by Grady  
HB 253, introduced by Barnhart  
HB 263, introduced by Curtiss  
HB 318, introduced by Rose  
HB 342, introduced by Pavlovich  
HB 474, introduced by Cobb  
HB 527, introduced by Larson  
HB 549, introduced by Shea  
HJR 10, introduced by Knox

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/95

HB 286, introduced by Pavlovich  
HB 404, introduced by McCulloch  
HB 445, introduced by Grady  
HB 457, introduced by Vick

HB 463, introduced by Ewer, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 3/13/95 to the House with the following vote:

YEAS - 38  
NAYS - 11

House amendments to Senate bills concurred in:

SB 105, introduced by Jenkins  
SB 139, introduced by Harp  
SB 304, introduced by Pipinich

Senate bills passed and transmitted to the House for concurrence:

3/13/95

SB 407, introduced by Swysgood  
SB 416, introduced by Swysgood

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 46 sponsored by Representative Simon on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 69 sponsored by Representative Fisher et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 97 sponsored by Representative Menahan et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 99 sponsored by Representatives Fuchs and Barnhart on March 13, 1995.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 104 sponsored by Representative Cobb on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 151 sponsored by Representatives Peck and Rose on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 163 sponsored by Representatives Kasten and Harding on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 168 sponsored by Representative Orr on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 173 sponsored by Representatives Ewer et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 180 sponsored by Representatives Clark et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Please be informed that I have signed House Bill 250 sponsored by Representatives McCulloch et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 284 sponsored by Representatives Tropila et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

3/13/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 316 sponsored by Representatives Harrington et al. on March 13, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable Bob Brown  
President of the Senate  
State Capitol  
Helena MT 59620

March 13, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Brown and Speaker Mercer:

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 298, "AN ACT INCREASING THE NUMBER OF HOURS A RETIREE MAY RETURN TO COVERED EMPLOYMENT UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PRIOR TO A TEMPORARY REDUCTION IN SERVICE RETIREMENT BENEFITS; INCREASING THE EARNINGS LIMITATION FOR RETIRED MEMBERS WHO ARE 65 YEARS OF AGE AND OLDER; PROVIDING AN EXCEPTION' AMENDING SECTION 19-3-1106, MCA; AND PROVIDING AN EFFECTIVE DATE."

Section 19-3-1106, MCA, provides that retired members of the Public Employees' Retirement System (PERS) under the age of 65 may return to employment covered by the retirement system for a limited number of hours without any effect to the retiree's retirement benefits. For retired members who are 65 years or older when they return to employment covered by PERS, their benefits will not be affected if they either abide by the cap on hours worked or they do not exceed a certain salary when added to their PERS benefits. The retirees must file monthly reports of hours worked and compensation earned to the PERS Board.

House Bill 298 includes an amendment which exempts retired members who are 70 1/2 years of age and older from the operation of section 19-3-1106, MCA. I understand that the intent of this amendment was to allow elderly retired PERS members to re-enter the workforce without being subject to the law's reporting requirements and the restrictions on hours worked and compensation earned. However, as the bill now reads, subsection (5) makes the limited reemployment law altogether inapplicable to elderly retired PERS members. The amendment would prohibit retired PERS members from reentering the work force at all without a reduction of retirement benefits.

The sponsor of House Bill 298, Representative Galvin, is in agreement that the bill be returned with an amendment that would correct the problem described above.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL NO. 298

1. Page 2, line 4.

Following: " (5) "

Strike: remainder of line 4 in its entirety

Insert: "A retired member 70 1/2 years of age or older who returns to employment covered by the retirement system is not subject to the hour or earnings limitations in subsections (1) and (2) or the reporting requirements in subsection(3)."

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 407**, introduced by Swysgood, referred to Committee on Taxation.

**SB 416**, introduced by Swysgood, referred to Committee on Human Services & Aging.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

**MOTIONS**

**SB 303** - Representative Pavlovich moved SB 303 be taken from third reading and rereferred to second reading for the purpose of amendment. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 574** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Murdock, Nelson, Orr, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 60

Noes: Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 35

Voted Absentee: Curtiss, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.  
Total 0

Absent or not voting: Ahner, Grimes, Mills, Ohs, Somerville.  
Total 5

**SB 103** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Carey, Ellingson, Elliott, Harper, Jore, Kadas, Ream, Squires.  
Total 8

Voted Absentee: Brainard, Curtiss, Heavy Runner, McGee, Wiseman, Ayes; Harper, No.



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

**SB 114** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Denny, Feland, Kasten, Keenan, Rehbein.

Total 6

Voted Absentee: Brainard, Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 122** concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Hagener, Hurdle, J. Johnson, McCann, Tropila, Wennemar.

Total 6

Voted Absentee: Curtiss, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Absent or not voting: Anderson.  
Total 1

**SB 204** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker.  
Total 1

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Marshall, Sliter.  
Total 2

**SB 78** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: DeBruycker, Kasten, Keenan.  
Total 3

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Story.  
Total 1

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

**SB 268** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Barnhart, Hurdle.

Total 3

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: McKee.

Total 1

**HB 9** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Boharski, Brainard, Cobb, DeBruycker, Devaney, Green, Grimes, Grinde, Heavy Runner, Herron, Jore, Kasten, Keenan, Marshall, Molnar, Orr, Rehbein, S. Smith, Vick, Wagner, Wennemar.

Total 22

Voted Absentee: Curtiss, Harper, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 374** concurred in as follows:



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 375** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kadas, Kottel, Larson, McCulloch, Menahan, Molnar, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Tropila, Tuss, Wennemar, Wyatt.  
Total 31

Voted Absentee: Curtiss, McGee, Wiseman, Ayes; Harper, Heavy Runner, Noes.

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HJR 9** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, Hagener, H.S. Hanson,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Arnott, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Feland, Green, Hayne, Jore, Keenan, Kottel, McCann, Molnar, Ohs, Orr, Rehbein, Simpkins, S. Smith, Taylor, Trexler, Wagner, Wells.

Total 23

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Galvin.

Total 1

**SB 2** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker.

Total 1

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Devaney, Story.

Total 2

**SB 8** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Cobb, DeBruycker, Grinde, Marshall, Orr.

Total 5

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**SB 19** concurred in as follows:

Ayes: Anderson, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ryan, Schwinden, Shea, Sliter, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wyatt, Zook.

Total 60

Noes: Ahner, Arnott, Barnett, Barnhart, Boharski, Cobb, Curtiss, Ellingson, Elliott, Ewer, Fisher, Grimes, Herron, Hurdle, Jore, Kadas, Kasten, Keenan, McCann, McGee, Mills, Molnar, Orr, Ream, Rehbein, Rose, Simon, Simpkins, L. Smith, S. Smith, Soft, Story, Vick, Wagner, Wells, Wennemar, Wiseman, Mr. Speaker.

Total 38

Voted Absentee: Harper, Heavy Runner, Somerville, Ayes; Curtiss, McGee, Wiseman, Noes.

Excused: None.

Total 0

Absent or not voting: Fuchs, Green.

Total 2

**SB 82** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler,



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Simon, S. Smith.  
Total 2

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Story.  
Total 1

**SB 87** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ewer.  
Total 1

**SB 112** concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Fuchs, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Peck, Quilici, Raney, Ream, Schwinden, Shea, Simon, Soft, Somerville, Squires, Stovall, Tash, Taylor, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Bergsagel, Boharski, Carey, Cobb, Denny, Devaney, Feland, Fisher, Forbes, Galvin, Green, Hurdle, Jore,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Keenan, Kitzenberg, Kottel, Orr, Pavlovich, Rehbein, Rose, Ryan, Simpkins, Sliter, L. Smith, S. Smith, Story, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Wyatt.

Total 33

Voted Absentee: Brainard, Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

**SB 117** concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Anderson, Arnott, Bergsagel, Brainard, Cobb, DeBruycker, Feland, Fisher, Fuchs, Grinde, M. Hanson, Jore, Kasten, Keenan, Masolo, Simon, S. Smith, Taylor, Wagner.

Total 19

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Green, Story.

Total 2

**SB 121** concurred in as follows:

Ayes: Ahner, Barnett, Bergman, Bohlinger, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Anderson, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, Elliott, Fisher, Green, Grimes, Grinde, Heavy Runner, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Martinez, Mills, Ohs, Orr, Ryan, S. Smith, Somerville, Swanson, Tuss, Wagner, Wyatt.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Total 34

Voted Absentee: Harper, McGee, Wiseman, Ayes; Brainard, Curtiss, Heavy Runner, Somerville, Noes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**SB 147** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Hagener, Hurdle.

Total 3

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 151** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 163** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Clark, Denny, Kasten, Keenan, Rehbein, Story, Taylor, Trexler, Tuss, Vick, Wagner.

Total 12

Voted Absentee: Brainard, Curtiss, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 205** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Barnhart, Cobb, Cocchiarella, Ellingson, Ewer, Green, Hurdle, Kadas, Menahan, Nelson, Raney, Ream, Tuss, Wyatt.

Total 14

Voted Absentee: Curtiss, Heavy Runner, McGee, Wiseman, Ayes.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Excused: Harper.

Total 1

Absent or not voting: None.

Total 0

**SB 211** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: Heavy Runner, Tuss, Wyatt.

Total 3

Voted Absentee: Curtiss, Harper, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 233** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Cobb.

Total 1

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Absent or not voting: None.

Total 0

**SB 245** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Barnhart, Cocchiarella, Ellingson, Ewer, Hagener, Harrington, Heavy Runner, Hurdle, Raney, Tuss, Wyatt.

Total 11

Voted Absentee: Curtiss, Harper, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

**SB 286** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Jore, Orr.

Total 3

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Ream.

Total 1



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

**SB 289** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Feland, Jore, Kasten, Keenan, Orr, Rehbein, S. Smith.

Total 8

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 317** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Grinde, Kasten, Keenan, Orr, Rehbein.

Total 6

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

**SB 329** concurred in as follows:

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Feland, Grinde, Hayne, Kasten, Keenan, Martinez, Ohs, Rehbein, S. Smith.

Total 9

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 337** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 137** - as amended by the Senate concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fisher, Heavy Runner, Hurdle, Orr, Wennemar.

Total 5

Voted Absentee: Curtiss, Harper, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 252** - as amended by the Senate concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Arnott, Bergsagel, Boharski, Devaney, Fisher, Green, Grimes, Grinde, Hurdle, R. Johnson, Jore, Kasten, Keenan, Martinez, Molnar, Orr, Rehbein, Rose, Sliter, S. Smith, Soft, Vick.

Total 23

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 319** - as amended by the Senate concurred in as follows:

Ayes: Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs,



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Mr. Speaker.  
Total 71

Noes: Ahner, Anderson, Arnott, Bergman, Cobb, Denny, Devaney, Fisher, Grimes, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Masolo, Nelson, Orr, Rehbein, Sliter, L. Smith, Taylor, Trexler, Vick, Wagner, Wells, Zook.  
Total 28

Voted Absentee: Brainard, Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mills.  
Total 1

**SB 201** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Barnhart, Ellingson, Harper, Harrington, Hurdle, Jore, Kadas, Raney, Rehbein, Shea, Tuss, Wennemar, Wyatt.  
Total 13

Voted Absentee: Curtiss, Heavy Runner, McGee, Wiseman, Ayes; Harper, No.

Excused: None.  
Total 0

Absent or not voting: Martinez.  
Total 1

**SB 258** concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Anderson, Arnott, Bergsagel, Brainard, Cobb, Grinde, Hayne, Jore, Keenan, Orr, Rehbein, Rose, S. Smith, Story, Taylor, Trexler, Vick, Wagner, Wells.  
Total 19

Voted Absentee: Curtiss, Harper, Heavy Runner, McGee, Wiseman, Ayes; Brainard, No.

Excused: None.  
Total 0

Absent or not voting: DeBruycker, Simpkins.  
Total 2

**SB 277** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Heavy Runner, Jore, Kadas, Sliter, Wagner.  
Total 6

Voted Absentee: Curtiss, Harper, McGee, Wiseman, Ayes; Heavy Runner, No.

Excused: None.  
Total 0

Absent or not voting: Schwinden.  
Total 1

**SB 287** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Peck, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 67

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Noes: Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kadas, Kottel, Martinez, McCann, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Voted Absentee: Curtiss, McGee, Wiseman, Ayes; Harper, Heavy Runner, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 365** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Ellingson, Kadas, Ream.

Total 3

Voted Absentee: Curtiss, Harper, Heavy Runner, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: Green.

Total 1

**SJR 12** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Noes: Tuss.  
Total 1

Voted Absentee: Harper, Heavy Runner, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ellis, Molnar.  
Total 2

**HJR 27** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 97

Noes: Ahner, Wyatt.  
Total 2

Voted Absentee: Harper, Heavy Runner, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 181** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.  
Total 73

Noes: Arnott, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Feland, Hayne, Holland, Jore, Kasten, Kitzenberg, Masolo, Murdock, Nelson, Ohs, Orr, Rehbein, Story, Stovall, Taylor, Trexler, Vick, Wagner, Zook.  
Total 26

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Voted Absentee: Brainard, Harper, Heavy Runner, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**SB 207** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Carey, Ellingson, Hagener, Hurdle, Kadas, Menahan, Wyatt.

Total 7

Voted Absentee: Heavy Runner, Aye.

Excused: Harper.

Total 1

Absent or not voting: Kottel.

Total 1

**SB 253** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Feland, Fuchs, Jore, Kasten, Keenan, Rehbein, S. Smith, Wagner.

Total 8

Voted Absentee: Harper, Heavy Runner, Ayes.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**SB 394** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 82

Noes: Barnhart, Carey, Cocchiarella, Ewer, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Marshall, McCulloch, Ream, Squires, Swanson, Tuss, Wyatt.  
Total 17

Voted Absentee: Heavy Runner, Aye; Harper, No.

Excused: None.  
Total 0

Absent or not voting: Ellingson.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 355** - Representative Grinde moved consideration of SB 355 be placed below SB 364 on the second reading board. Motion carried.

**SB 364** - Representative Story moved SB 364 be concurred in.

Representative Simpkins moved SB 364, second reading copy, be amended (amendment #1). Motion failed as follows:

Ayes: Ahner, Bergsagel, Cobb, DeBruycker, Elliott, Forbes, Grinde, M. Hanson, Hurdle, Jore, Kottel, Larson, Marshall, McCann, Orr, Rose, Ryan, Simpkins, Tropila, Tuss, Wells, Wyatt, Mr. Speaker.



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Total 23

Noes: Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wennemar, Wiseman, Zook.

Total 77

Voted Absentee: Harper, Heavy Runner, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Elliott moved SB 364, second reading copy, be amended (amendment #2). Motion failed as follows:

Ayes: Barnhart, Bergsagel, Brainard, Cobb, Curtiss, DeBruycker, Elliott, Feland, Fisher, Forbes, Fuchs, M. Hanson, Hurdle, Jore, Kasten, Kottel, Marshall, McCann, McGee, Orr, Rehbein, Rose, Ryan, Simpkins, Tropila, Tuss, Wells, Wyatt, Mr. Speaker.

Total 29

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wennemar, Wiseman, Zook.

Total 71

Voted Absentee: Harper, Heavy Runner, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Simpkins moved SB 364, second reading copy, be amended (amendment #3). Motion failed as follows:

Ayes: Ahner, Arnott, Bergsagel, Brainard, Carey, Cobb, Curtiss, DeBruycker, Elliott, Forbes, M. Hanson, Hurdle, Kottel, Larson, McCann, Orr, Rose, Ryan, Schwinden, Simpkins, Tropila, Tuss, Wells, Wyatt, Mr. Speaker.

Total 25

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Noes: Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wennemar, Wiseman, Zook.

Total 75

Voted Absentee: Harper, Heavy Runner, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

The do pass motion of Representative Story passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Cobb, DeBruycker, Elliott, Forbes, Hurdle, Kitzenberg, Rose, Schwinden, Simpkins, Tropila, Tuss, Wyatt.

Total 13

Voted Absentee: Harper, Heavy Runner, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 355** - Representative Galvin moved SB 355 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 14, 1995

Speaker.  
Total 76

Noes: Arnott, Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, Grady, Herron, Jore, Kadas, Kasten, Keenan, Kitzenberg, Larson, Martinez, Murdock, Nelson, Orr, Simon, L. Smith, S. Smith, Tash, Vick, Wagner.  
Total 24

Voted Absentee: Harper, Heavy Runner, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved that the Committee of the Whole report be adopted. Report adopted. (86-6)

**MOTIONS**

**SB 19** - Representative Molnar moved he be allowed to change his vote on SB 19, third reading, from aye to nay. Motion carried.

**SB 287** - Representative Molnar moved he be allowed to change his vote on SB 287, third reading, from aye to nay. Motion carried.

**HB 574** - Representative Tuss moved she be allowed to change her vote on HB 574, third reading, from aye to nay. Motion carried.

Representative Grinde moved that the members of the State/Federal Relations Committee be allowed to cast their votes with the clerk. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Wednesday, March 15, 1995. Motion carried.

House adjourned at 3:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY**

Helena, Montana  
March 15, 1995

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Daniel W. McGee. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/15/95

Correctly printed for second reading: HB 202, HB 279, HB 485, HB 521, HB 542, HB 550, HB 587, HB 560.

Correctly enrolled: HB 11, HB 62, HB 137, HB 252, HB 292, HB 319, HB 381, HB 411, HB 520, HJR 14.

Examined by the sponsor and found to be correct: HB 11, HB 62, HB 137, HB 252, HB 292, HB 319, HB 381, HB 411, HB 520, HJR 14.

Delivered to the Governor for his approval at 3:45 p.m., 3/14/95: HB 50, HB 64, HB 141, HB 144, HB 162, HB 199, HB 231, HB 306, HB 386, HB 392, HB 494, HB 559.

APPROPRIATIONS (Zook, Chairman): 3/14/95

**HB 279**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "OBLIGATION"

Insert: "RENEWABLE RESOURCE"

Following: "BONDS;"

Insert: "REPEALING SECTION 85-1-623, MCA;"

2. Page 1, line 11.

Following: "bonds"

Strike: "in an amount not exceeding \$5 million"

3. Page 1, lines 12 and 13.

Following: "part 6,"

Strike: "over and above the \$10 million in renewable resource bonds currently authorized to be issued"

4. Page 1, line 14.

Following: "85-1-617"

Insert: "from time to time and in amounts that, taking into consideration the principal amount of any renewable resource bonds then outstanding, will not cause the total aggregate principal amount of renewable resource bonds outstanding at any time to exceed \$10 million"

5. Page 1.

Following: line 19

Insert: "NEW SECTION. Section 3. Repealer. Section 85-1-623, MCA, is repealed."

Renumber: subsequent sections.

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

**HB 485**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "EXPANDING"

Insert: "CHANGING"

2. Title, lines 6 and 7.

Following: "OFFICER;" on line 6

Strike: remainder of line 6 through "OFFICER;" on line 7

3. Title, lines 9 and 10.

Following: "FOR" on line 9

Strike: remainder of line 9 through "PLACES" on line 10

Insert: "INVENTORYING, DOCUMENTING, AND EVALUATING HERITAGE PROPERTIES"

4. Page 1, line 24.

Strike: "13"

Insert: "nine"

5. Page 1, line 26.

Following: "history,"

Insert: "paleontology, historic property administration, duration, planning, landscape architecture, conservation, folklore, cultural anthropology, traditional cultural property expertise,"

6. Page 1, line 28.

Following: "fields;"

Strike: " "

Insert: "; and"

7. Page 1, lines 29 and 30.

Strike: subsections (ii) and (iii) in their entirety

Renumber: subsequent subsection

8. Page 2, line 1.

Strike: "six"

Insert: "four"

9. Page 2, line 10.

Following: "SOCIETY"

Insert: ", who have demonstrated an interest in historic preservation,"

10. Page 2, line 29.

Following: line 28

Insert: "(1) "Affected property owner" means a person or entity whose real property will be physically affected by the activity of an applicant or whose real property is proposed for incorporation into a historic district proposed as eligible for listing in the National Register of Historic Places."

Renumber: subsequent subsections

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

11. Page 4, line 27.

Following: "consultation"

Insert: "-- public notice"

Strike: "finding to district court"

Insert: "findings"

12. Page 4, line 27 through page 5, line 7.

Strike: subsections (1) and (2) in their entirety

Insert: "(1) A federal or state entity that acts upon a proposed federal or state action or an application for a federal, state, or local permit, license, lease, or funding may request the views of the historic preservation officer concerning:

(a) the recommended eligibility for a register listing of any heritage property or paleontological remains;

(b) the effects of a proposed action, activity, or undertaking on heritage property or remains that are found to be eligible for register listing; and

(c) the appropriateness of a proposed plan for the avoidance or mitigation of effects.

(2) A request for comment pursuant to 16 U.S.C. 470(f) may be made simultaneously with a request pursuant to subsection (1). The historic preservation officer shall respond in writing to a request within 30 calendar days of receiving the request and shall address each property in the request and each topic of the request. In the event that an agency requests simultaneous consultation for two or more criteria under this section, the agency and historic preservation officer may extend the 30-day review period by mutual agreement. If the historic preservation officer fails to comment within that time, that failure is construed as concurrence with the agency's recommendation. In the event of failure to comment on a specific undertaking, the historic preservation officer may not change a finding for a heritage property at a later date."

13. Page 5, lines 16 through 22.

Strike: subsections (4) and (5) in their entirety

Insert: "(4) At the time that the state or federal agency requests the views of the historic preservation officer as provided in subsection (1), the agency shall provide notice to the applicant, affected property owners, and other interested persons of the request for consultation and shall identify locations where the submitted materials may be reviewed.

(5) The applicant and any affected property owners have 20 days in which to appeal the historic preservation officer's finding to the director. The appeal notice must include a written statement of reasons for the appeal and any additional supporting information.

(6) The director of the historical society shall issue a final finding within 30 days of the expiration of the 20-day appeal period provided for under subsection (5). The issuance of this finding does not limit the rights of any applicant or affected property owner to challenge a finding under an existing federal law, regulation, or regulatory or administrative process."

Renumber: subsequent subsection

14. Page 6, line 8.

Strike: "applicant"

Insert: "agency, in consultation with the applicant,"

15. Page 6, line 10.

Strike: "The"

Insert: "If requested by the agency, the"

16. Page 6, line 12.

Following: "[SECTION 5]"



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Strike: "(3)"

And, as amended, do pass. Report adopted.

**HB 550**, introduced bill, be amended as follows:

1. Page 8, line 8.

Following: "30, part 2,"

Strike: "is conclusive and binding upon the taxpayer and the department. The determination"

Insert: "which may be subject to judicial review, as provided in 39-51-2404, at the discretion of the taxpayer,"

2. Page 8, line 9.

Following: "in any proceeding"

Insert: "before or with the department of revenue"

3. Page 18, line 1.

Following: "~~(1)(a)~~"

Insert: "(1)(a)"

Strike: "\$250,000"

Insert: "\$68,750"

4. Page 18, line 2.

Strike: "general fund"

Insert: "unemployment insurance administrative tax funds"

5. Page 18, line 14.

Insert: "(b) The appropriation contained in subsection (1)(a) is funded by reducing the amount deposited in the state general fund from the payment of penalties and interest collected by the department of revenue pursuant to 15-30-321 by the amount of the appropriation contained in subsection (1)(a).

(2) There is appropriated \$56,250 from the workers' compensation tax account to the department of revenue for the biennium ending June 30, 1997, for a cost-benefit analysis to determine the feasibility of integrating employer wage reporting and related functions.

(3) There is appropriated \$125,000 from the unemployment insurance penalty and interest account established by 39-51-1301 to the department of labor and industry for the biennium ending June 30, 1997, for a cost-benefit analysis to determine the feasibility of integrating employer wage reporting and related functions."

And, as amended, do pass. Report adopted.

**JOINT HEALTH CARE (Benedict, Chairman):**

3/14/95

**HB 202**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "FOR"

Insert: "ONE-HALF OF"

2. Title, line 6.

Strike: "AND"

Insert: ", "

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Following: the second "DATE"

Insert: ", AND A CONTINGENT VOIDNESS PROVISION"

3. Page 1.

Following: line 17

Insert: "(c) one-half of premium payments for medical care as provided in subsection (7);"

4. Page 3, line 11.

Following: "(7)"

Insert: "one-half of"

Following: "payments"

Insert: ", except premiums deducted in determining Montana adjusted gross income,"

5. Page 3, lines 12 and 13.

Strike: "or made" on line 12 through "federal law" on line 13

6. Page 3.

Following: line 17

Insert: "(9) For the purpose of subsection (7)(a), deductible medical insurance premiums are those premiums that provide payment for medical care as defined by 26 U.S.C. 213(d)."

Renumber: subsequent subsections

7. Page 3, line 27.

Strike: "(9)"

Insert: "(10)"

8. Page 4.

Following: line 2

Insert: "NEW SECTION. Section 3. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

And, as amended, do pass. Report adopted.

**HB 542**, introduced bill, do pass. Report adopted.

**HB 560**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "OF"

Insert: "AN EMPLOYEE OR ACCOUNT HOLDER OR A DEPENDENT OF"

Following: "THE"

Insert: "EMPLOYEE OR THE"

2. Title, line 9.

Following: "PENALTIES;"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Strike: "AND"

3. Title, line 10.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A CONTINGENT VOIDNESS PROVISION"

4. Page 1, line 22 and 23.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

5. Page 2, line 18.

Following: "employer"

Insert: "or for a dependent of the employee"

6. Page 2, line 25.

Strike: "either"

Strike: "or"

Insert: ", "

7. Page 2, line 26.

Following: "employee"

Insert: ", or to both the account and the policy or program"

8. Page 3, line 2.

Following: "interest"

Strike: "are"

Insert: "or other income is"

9. Page 3, line 7.

Following: "holder"

Insert: "or a dependent of the employee or account holder"

10. Page 3, line 8.

Strike: "Except as provided in subsection (4), an"

Insert: "An"

11. Page 3, lines 8 and 9.

Strike: "may deposit into an account in 1 year and"

12. Page 3, line 10.

Following: "funds"

Insert: "and interest or other income on those funds"

13. Page 3, line 12.

Following: ". "

Insert: "An employee or account holder may not deduct pursuant to 15-30-121 or exclude pursuant to 15-30-111 an amount representing a loss in the value of an investment contained in an account."



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

14. Page 3, line 14.

Strike: "allowed by"

Insert: "excluded pursuant to"

15. Page 3, line 15.

Following: "."

Insert: "An employee or account holder who deposits more than \$3,000 into an account in a year may exclude from the employee's or account holder's adjusted gross income in accordance with 15-30-111(2)(j) in a subsequent year any part of \$3,000 per year not previously excluded."

16. Page 3, line 21.

Following: "(6)"

Strike: the remainder of line 21.

17. Page 3, line 22.

Strike: "liability."

Insert: "The employee or account holder who establishes the account is the owner of the account. An employee or account holder may withdraw money in an account and deposit the money in another account with a different or with the same account administrator without incurring tax liability."

18. Page 3, line 27.

Following: "interest"

Insert: "or other income"

19. Page 4, line 3.

Following: "holder"

Insert: "or a dependent of the employee or account holder"

20. Page 4, lines 4 and 10.

Following: "."

Insert: "Money withdrawn from an account pursuant to this subsection must be taxed as ordinary income of the employee or account holder."

21. Page 4, line 6.

Strike: "and"

Insert: "or"

22. Page 4, line 21.

Following: "annuity"

Insert: "for the long-term care of the employee or account holder or a dependent of the employee or account holder"

23. Page 4, line 23.

Following: "expenses"

Insert: "or for a long-term care insurance policy or annuity"

24. Page 4, line 24.

Strike: "are"

Insert: "is"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

25. Page 4, line 28.

Following: "holder"

Insert: "or a dependent of the employee or account holder"

26. Page 5, line 2.

Following: "annuity"

Insert: "for the employee or account holder or a dependent of the employee or account holder"

27. Page 7, line 12.

Following: "expenses"

Insert: ", "

Following: "[section 2]"

Insert: ", of the taxpayer or a dependent of the taxpayer"

28. Page 7, line 13.

Following: "taxpayer"

Insert: "or a dependent of the taxpayer"

29. Page 8.

Following: line 11

Insert: "NEW SECTION. Section 9. Account not to be treated as asset for purposes of eligibility. If allowed by federal law, the principal and all interest or other income contained within an account established in accordance with [sections 1 through 7] may not be treated as an asset of the employee or account holder or as an asset of a dependent of the employee or account holder for the purposes of eligibility for the Montana medicaid program."

Renumber: subsequent section

30. Page 8, line 13.

Following: "instruction."

Insert: "(1)"

31. Page 8.

Following: line 14

Insert: "(2) [Section 9] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [section 9]."

NEW SECTION. Section 11. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 13. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

And, as amended, do pass. Report adopted.

**SJR 14**, be amended as follows:

1. Page 1, line 19.

Strike: "ONLY"

2. Page 1, line 23 through page 1, line 30.

Strike: page 1, line 23 through page 1, line 30 in their entirety

3. Page 2, lines 8 through 10.

Strike: "RECOMMENDATIONS TO IMPLEMENT"

Insert: "several approaches to"

Following: "Montana"

Strike: remainder of line 8 through "MERITS." on line 10

Insert: "; and

WHEREAS, the members and staff of the Montana Health Care Authority have devoted significant time to studying the issue of health care, and the people of Montana appreciate their hard work and dedication."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/14/95

**SB 63**, be concurred in. Report adopted.

**SB 109**, be concurred in. Report adopted.

**SB 212**, be concurred in. Report adopted.

**SB 229**, be amended as follows:

1. Page 1, line 13.

Strike: "KNOWINGLY"

2. Page 1, line 14.

Following: "~~knows~~"

Insert: "when the person knows"

Following: "~~it~~"

Insert: "it"

And, as amended, be concurred in. Report adopted.

**SB 340**, be amended as follows:

1. Title, line 6.

Following: "30-13-206,"

Insert: "30-13-209,"

2. Page 2, line 19.



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Insert: "Section 4. Section 30-13-209, MCA, is amended to read:

"30-13-209. Amendment. An amendment to registration of an assumed business name ~~shall~~ must be filed with the secretary of state within ~~60 days~~ 1 year after any one of the following events occurs:

(1) there is a change in the name or identity of the person or persons transacting or having interest in the business for which the name is registered;

(2) there is a change in the identity of the county or counties in which the name is or is intended to be used;

(3) a person having an interest in the business with a registered assumed business name withdraws from the business or dies; or

(4) the registrant wishes to change the name of a registered assumed business name."

3. Page 3, line 23.

Strike: "17"

Insert: "18"

4. Page 4, line 22.

Strike: "17"

Insert: "18"

5. Page 4, line 28.

Strike: "20"

Insert: "21"

6. Page 5, line 5.

Following: "of a"

Insert: "limited liability"

7. Page 5, line 8.

Following: "partner"

Insert: "of the limited liability partnership"

8. Page 5, line 11.

Strike: "17"

Insert: "18"

9. Page 5, line 15.

Following: "partner"

Insert: "of a limited liability partnership"

10. Page 5, lines 17 and 18.

Following: "of a"

Insert: "limited liability"

11. Page 7.

Following: line 2

Insert: "(a) the partner is personally liable for the liability of the partnership under 35-10-307 or 35-10-629; and

(b) one of the following conditions is satisfied:"

12. Page 7, line 3.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

13. Page 7, line 5.

Strike: "(b)(i)"

Insert: "(ii)(A)"

Renumber: subsequent subsections

14. Page 8, line 2.

Strike: "indemnification only to the extent that the partner would be personally liable under"

Insert: "charges as provided in"

15. Page 8, line 6.

Following: "is"

Insert: "not"

16. Page 8, line 7.

Following: "indemnification"

Strike: "only"

Insert: "obligation of the partnership, except"

Strike: "and"

Insert: "or"

17. Page 8, line 8.

Following: "35-10-629"

Insert: "for the liabilities incurred by the indemnified partner"

18. Page 12, lines 22, 24, and 30.

Strike: "17"

Insert: "18"

19. Page 13, line 2.

Following: "must"

Insert: "be considered continued and must"

20. Page 13, line 8.

Following: "must"

Insert: "be considered continued and must"

21. Page 13, lines 14 and 15.

Following: "partnership" on line 14

Strike: remainder of line 14 through "partnership" or" on line 15

Insert: ", "

22. Page 13, line 16.

Following: "'l.l.p.'" "

Strike: ", "

Insert: "or"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Following: "'llp',"

Insert: "or other words or abbreviations that may be required or authorized by the laws of the state in which the partnership is formed, including without limitation "professional limited liability partnership" or the abbreviation"

Following: "'p.l.l.p. '"

Strike: ", "

Following: "'pllp'"

Strike: "as the last words or letters of its name"

23. Page 14, line 4.

Strike: "17"

Insert: "18"

24. Page 14, lines 12 and 14.

Strike: "17 through 20"

Insert: "18 through 21"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/14/95

**HB 521**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PROHIBITING"

Insert: "REQUIRING"

2. Title, line 4.

Following: "ADMINISTRATIVE"

Strike: "AGENCY"

Insert: "AND LOCAL AGENCIES TO JUSTIFY THE ADOPTION OF"

3. Title, line 5.

Strike: "FROM BEING"

Insert: "THAT ARE"

4. Title, line 6.

Strike: second "AND"

Insert: ", "

5. Title, line 7.

Following: "SCIENCES"

Insert: ", AND LOCAL UNITS OF GOVERNMENT"

6. Title, lines 8 and 9.

Strike: "CREATING" on line 8 through "RULES;" on line 9

7. Title, line 9.

Following: "SECTIONS"



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Insert: "50-2-116,"

8. Title, line 10.

Strike: first "AND"

Following: "75-10-603,"

Insert: "76-3-501, 76-3-504, 76-4-104, AND 80-15-105,"

9. Page 2, line 1.

Strike: "and to"

Insert: ", "

Following: "sciences"

Insert: ", and local units of government"

10. Page 2, line 5.

Strike: "statement" through "whether"

Insert: "written finding if"

11. Page 2, line 6.

Following: "by"

Insert: "comparable"

12. Page 2, line 7.

Following: "than"

Insert: "comparable"

Strike: "statement"

Insert: "written finding"

13. Page 2, line 8.

Strike: "a risk-cost"

Insert: "an"

14. Page 2, lines 9 through 16.

Strike: "to impose the" on line 9

Insert: "that the proposed state"

Strike: "and" on line 9 through "is" on line 16

Insert: "protect public health or the environment of the state and that the state standards or requirements to be imposed can mitigate harm to the public health or the environment and are achievable under current technology. The department is not required to show that the federal regulation is inadequate to protect public health. The written finding must also include information from the hearing record regarding the costs to the regulated community directly attributable to the proposed state standard or requirement. [Sections 1 through 3] are"

15. Page 2, line 19.

Following: "2;"

Insert: "Title 75, chapter 3;"

16. Page 2.

Following: line 19

Insert: "[Sections 4 and 5] apply to local units of government when they attempt to regulate the control and disposal

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

of sewage from private and public buildings. [This act] is not intended to apply to the establishment or setting of fees."

17. Page 2, line 23.

Strike: first "standards"

Insert: "regulations"

Strike: second "standards"

Insert: "regulations or guidelines"

Strike: "Except"

Insert: "After [the effective date of this act], except"

18. Page 2, line 24.

Strike: "(6),"

Insert: "(5) and"

19. Page 2, line 25.

Strike: "corresponding"

Insert: "comparable"

Following: "regulations"

Insert: "or guidelines"

20. Page 2, line 26.

Strike: "corresponding"

Insert: "comparable"

Following: "regulations"

Insert: "or guidelines"

21. Page 2, line 27.

Strike: "corresponding"

Insert: "comparable"

22. Page 2, line 28.

Strike: "adopt" through "regulations"

Insert: "guidelines"

23. Page 2, line 30 through page 3, line 26.

Strike: first "the" on page 2, line 30 through "section." on page 3, line 26

Insert: ": (a) the proposed state standard or requirement protects public health or the environment of the state; and  
(b) the state standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the board's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement.

(4) (a) A person affected by a rule of the board adopted after January 1, 1990, and before [the effective date of this act] that that person believes to be more stringent than comparable federal regulations or guidelines may petition the board to review the rule. If the board determines that the rule is more stringent than comparable federal regulations or guidelines, the board shall comply with this section by either revising the rule to conform to the federal regulations or guidelines or by making the written finding, as

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The board may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the board for a rule review under subsection (4)(a) if the board adopts a rule after January 1, 1990, in an area in which no federal regulations or guidelines existed and the federal government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted board rule.

(5) This section does not apply to a rule adopted under the emergency rulemaking provisions of 2-4-303(1)."

24. Page 3, line 28.

Strike: first "standards"

Insert: "regulations"

Strike: second "standards"

Insert: "regulations or guidelines"

Strike: "Except"

Insert: "After [the effective date of this act], except"

25. Page 3, line 29.

Strike: "(6),"

Insert: "(5) and"

26. Page 3, line 30.

Strike: "corresponding"

Insert: "comparable"

Following: "regulations"

Insert: "or guidelines"

27. Page 4, line 1.

Strike: "corresponding"

Insert: "comparable"

28. Page 4, line 2.

Following: "regulations"

Insert: "or guidelines"

29. Page 4, line 4.

Strike: "corresponding"

Insert: "comparable"

Strike: "adopt" through "regulations"

Insert: "guidelines"

30. Page 4, line 6 through page 5 line 2.

Strike: second "the" on page 4, line 6 through "section." on page 5, line 2

Insert: "(a) the proposed state standard or requirement protects public health or the environment of the state; and

(b) the state standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the board's or department's conclusion. The written finding must also include



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement.

(4) (a) A person affected by a rule of the board or department adopted after January 1, 1990, and before [the effective date of this act] that that person believes to be more stringent than comparable federal regulations or guidelines may petition the board or department to review the rule. If the board or department determines that the rule is more stringent than comparable federal regulations or guidelines, the board or department shall comply with this section by either revising the rule to conform to the federal regulations or guidelines or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The board or department may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the board or department for a rule review under subsection (4)(a) if the board or department adopts a rule after January 1, 1990, in an area in which no federal regulations or guidelines existed and the federal government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted board or department rule.

(5) This section does not apply to a rule adopted under the emergency rulemaking provisions of 2-4-303(1)."

31. Page 5, line 4.

Strike: first "standards"

Insert: "regulations"

Strike: second "standards"

Insert: "regulations or guidelines"

Strike: "Except"

Insert: "After [the effective date of this act], except"

32. Page 5, line 5.

Strike: "(6),"

Insert: "(5) and"

33. Page 5, line 6.

Strike: "corresponding"

Insert: "comparable"

Following: "regulations"

Insert: "or guidelines"

34. Page 5, line 7.

Strike: "corresponding"

Insert: "comparable"

Following: "regulations"

Insert: "or guidelines"

35. Page 5, line 9.

Strike: "corresponding"

Insert: "comparable"

Strike: "adopt" through "regulations"

Insert: "guidelines"

36. Page 5, line 11 through page 6, line 7.

Strike: first "the" on page 5, line 11 through "section" on page 6, line 7

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Insert: ": (a) the proposed state standard or requirement protects public health or the environment of the state; and

(b) the state standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the department's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement.

(4) (a) A person affected by a rule of the department adopted after January 1, 1990, and before [the effective date of this act] that that person believes to be more stringent than comparable federal regulations or guidelines may petition the department to review the rule. If the department determines that the rule is more stringent than comparable federal regulations or guidelines, the department shall comply with this section by either revising the rule to conform to the federal regulations or guidelines or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The department may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the department for a rule review under subsection (4)(a) if the department adopts a rule after January 1, 1990, in an area in which no federal regulations or guidelines existed and the federal government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted department rule.

(5) This section does not apply to a rule adopted under the emergency rulemaking provisions of 2-4-303(1)"

37. Page 6.

Following: line 7

Insert: "NEW SECTION. Section 4. Local regulations no more stringent than state regulations or guidelines.

(1) After [the effective date of this act], except as provided in subsections (2) through (4) and unless required by state law, the local board may not adopt a rule under 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is more stringent than the comparable state regulations or guidelines that address the same circumstances. The local board may incorporate by reference comparable state regulations or guidelines.

(2) The local board may adopt a rule to implement 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is more stringent than comparable state regulations or guidelines only if the local board makes a written finding, after a public hearing and public comment and based on evidence in the record, that:

(a) the proposed local standard or requirement protects public health or the environment; and

(b) the local board standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the local board's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed local standard or requirement.

(4) (a) A person affected by a rule of the local board adopted after January 1, 1990, and before [the effective date of this act] that that person believes to be more stringent than comparable state regulations or guidelines may petition the local board to review the rule. If the



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

local board determines that the rule is more stringent than comparable state regulations or guidelines, the local board shall comply with this section by either revising the rule to conform to the state regulations or guidelines or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The local board may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the local board for a rule review under subsection (4)(a) if the local board adopts a rule after January 1, 1990, in an area in which no state regulations or guidelines existed and the state government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted local board rule.

NEW SECTION. Section 5. Local regulations no more stringent than state regulations or guidelines. (1) After [the effective date of this act], except as provided in subsections (2) through (4) and unless required by state law, a governing body may not adopt a rule under 76-3-501 or 76-3-504(5)(c) that is more stringent than the comparable state regulations or guidelines that address the same circumstances. The governing body may incorporate by reference comparable state regulations or guidelines.

(2) The governing body may adopt a rule to implement 76-3-501 or 76-3-504(5)(c) that is more stringent than comparable state regulations or guidelines only if the governing body makes a written finding, after a public hearing and public comment and based on evidence in the record, that:

(a) the proposed local standard or requirement protects public health or the environment; and

(b) the local standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the governing body's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed local standard or requirement.

(4) (a) A person affected by a rule of the governing body adopted after January 1, 1990, and before [the effective date of this act] that that person believes to be more stringent than comparable state regulations or guidelines may petition the governing body to review the rule. If the governing body determines that the rule is more stringent than comparable state regulations or guidelines, the governing body shall comply with this section by either revising the rule to conform to the state regulations or guidelines or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The governing body may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the governing body for a rule review under subsection (4)(a) if the governing body adopts a rule after January 1, 1990, in an area in which no state regulations or guidelines existed and the state government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted governing body rule.

Section 6. Section 50-2-116, MCA, is amended to read: "50-2-116. Powers and duties of local boards. (1) Local boards shall:

(a) appoint a local health officer who is a physician or a person with a master's degree in public health or the equivalent and with appropriate experience, as determined by the



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

department, and shall fix his salary;

- (b) elect a chairman and other necessary officers;
- (c) employ necessary qualified staff;
- (d) adopt bylaws to govern meetings;
- (e) hold regular meetings quarterly and hold special meetings as necessary;
- (f) supervise destruction and removal of all sources of filth that cause disease;
- (g) guard against the introduction of communicable disease;
- (h) supervise inspections of public establishments for sanitary conditions;

(i) subject to the provisions of [section 4], adopt necessary regulations that are no less stringent than state standards for the control and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of health and environmental sciences and must provide for appeal of variance decisions to the department as required by 75-5-305.

(2) Local boards may:

- (a) quarantine persons who have communicable diseases;
- (b) require isolation of persons or things that are infected with communicable diseases;
- (c) furnish treatment for persons who have communicable diseases;
- (d) prohibit the use of places that are infected with communicable diseases;
- (e) require and provide means for disinfecting places that are infected with communicable

diseases;

(f) accept and spend funds received from a federal agency, the state, a school district, or other persons;

- (g) contract with another local board for all or a part of local health services;
- (h) reimburse local health officers for necessary expenses incurred in official duties;
- (i) abate nuisances affecting public health and safety or bring action necessary to restrain

the violation of public health laws or rules;

(j) adopt necessary fees to administer regulations for the control and disposal of sewage from private and public buildings (fees must be deposited with the county treasurer);

(k) adopt rules that do not conflict with rules adopted by the department:

- (i) for the control of communicable diseases;
- (ii) for the removal of filth that might cause disease or adversely affect public health;
- (iii) subject to the provisions of [section 4], on sanitation in public buildings that affects

public health;

(iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might endanger human lives; and

(v) subject to the provisions of [section 4], for the maintenance of sewage treatment systems that do not discharge an effluent directly into state waters and that are not required to have an operating permit as required by rules adopted under 75-5-401."

Renumber: subsequent sections

38. Page 7, line 14.

Strike: "corresponding"

Insert: "comparable"

39. Page 7, line 15.

Strike: "or" through "exists"

Strike: "not"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

40. Page 12, line 4.

Strike: "corresponding"

Insert: "comparable"

41. Page 12, line 5.

Strike: "or" through "exists"

Strike: "not"

42. Page 17, lines 6 through 9.

Strike: subsection (3) in its entirety

43. Page 17.

Following: line 29

Insert: "Section 17. Section 76-3-501, MCA, is amended to read:

"76-3-501. Local subdivision regulations. (1) Before July 1, 1974, the governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for the orderly development of their jurisdictional areas; for the coordination of roads within subdivided land with other roads, both existing and planned; for the dedication of land for roadways and for public utility easements; for the improvement of roads; for the provision of adequate open spaces for travel, light, air, and recreation; for the provision of adequate transportation, water, and drainage, ~~and~~; subject to the provisions of [section 5], for the regulation of sanitary facilities; for the avoidance or minimization of congestion; and for the avoidance of subdivision which would involve unnecessary environmental degradation and the avoidance of danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation, or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

(2) Review and approval or disapproval of a subdivision under this chapter may occur only under those regulations in effect at the time an application for approval of a preliminary plat or for an extension under 76-3-610 is submitted to the governing body."

Section 18. Section 76-3-504, MCA, is amended to read:

"76-3-504. Minimum requirements for subdivision regulations. The subdivision regulations adopted under this chapter shall, at a minimum:

(1) require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(2) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(3) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(4) provide for the identification of areas which, because of natural or ~~man-caused~~ human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(5) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(6) prescribe standards for:

(a) the design and arrangement of lots, streets, and roads;

(b) grading and drainage;



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

(c) subject to the provisions of [section 5], water supply and sewage and solid waste disposal ~~which that~~, at a minimum, meet the regulations adopted by the department of health and environmental sciences under 76-4-104;

(d) the location and installation of utilities;

(7) provide procedures for the administration of the park and open-space requirements of this chapter;

(8) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision; such utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body."

Section 19. Section 76-4-104, MCA, is amended to read:

"76-4-104. Rules for administration and enforcement. (1) The department shall, subject to the provisions of [section 3], adopt reasonable rules, including adoption of sanitary standards, necessary for administration and enforcement of this part.

(2) The rules and standards shall provide the basis for approving subdivision plats for various types of water, sewage facilities, and solid waste disposal, both public and private, and shall be related to size of lots, contour of land, porosity of soil, ground water level, distance from lakes, streams, and wells, type and construction of private water and sewage facilities, and other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation, and wildlife.

(3) The rules shall provide for the review of the following divisions of land by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection (4) that the local department or board is competent to review these divisions of land:

(a) divisions of land containing five or fewer parcels, whenever each parcel will contain individual onsite water and sewage disposal facilities; and

(b) divisions of land proposed to connect to existing municipal water and waste water systems previously approved by the department, if no extension of the systems is required.

(4) The department shall also adopt standards and procedures for certification and maintaining certification to ensure that a local department or board of health is competent to review the divisions of land described in subsection (3).

(5) The department shall review those divisions of land described in subsection (3) if:

(a) a proposed division of land lies within more than one jurisdictional area and the respective governing bodies are in disagreement concerning approval of or conditions to be imposed on the proposed subdivision; or

(b) the local department or board of health elects not to be certified.

(6) The rules shall further provide for:

(a) the furnishing to the reviewing authority of a copy of the plat and other documentation showing the layout or plan of development, including:

(i) total development area;

(ii) total number of proposed dwelling units;

(b) adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed;

(c) evidence concerning the potability of the proposed water supply for the subdivision;

(d) adequate evidence that a sewage disposal facility is sufficient in terms of capacity and



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

dependability;

(e) standards and technical procedures applicable to storm drainage plans and related designs, in order to insure proper drainage ways;

(f) standards and technical procedures applicable to sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems when applicable;

(g) standards and technical procedures applicable to water systems;

(h) standards and technical procedures applicable to solid waste disposal;

(i) requiring evidence to establish that, if a public sewage disposal system is proposed, provision has been made for the system and, if other methods of sewage disposal are proposed, evidence that the systems will comply with state and local laws and regulations which are in effect at the time of submission of the preliminary or final plan or plat.

(7) If the reviewing authority is a local department or board of health, it shall, upon approval of a division of land under this part, notify the department of the approval and submit to the department a copy of the approval statement.

(8) Review and certification or denial of certification that a division of land is not subject to sanitary restrictions under this part may occur only under those rules in effect at the time plans and specifications are submitted to the department, except in cases where current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time such lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality will apply."

Section 20. Section 80-15-105, MCA, is amended to read:

"80-15-105. Rulemaking. (1) The board shall, subject to the provisions of [section 1], adopt rules for the administration of this chapter for which the board and the department of health and environmental sciences have responsibility. These rules must include but are not limited to:

(a) standards and interim numerical standards for agricultural chemicals in ground water as authorized by 80-15-201;

(b) procedures for ground water monitoring as authorized by 80-15-202 and 80-15-203;

(c) field and laboratory operational quality assurance, quality control, and confirmatory procedures as authorized by 80-15-107, 80-15-202, and 80-15-203, which may include, through adoption by reference, procedures that have been established or approved by EPA for quality assurance and quality control;

(d) standards for maintaining the confidentiality of data and information declared confidential by EPA and the confidentiality of chemical registrant data and information protected from disclosure by federal or state law as required by 80-15-108; and

(e) administrative civil penalties as authorized by 80-15-412.

(2) The department shall adopt rules necessary to carry out its responsibilities under this chapter. These rules must include but are not limited to:

(a) procedures for ground water monitoring as authorized by 80-15-202 and 80-15-203;

(b) the content and procedures for development of agricultural chemical ground water management plans, including the content of best management practices and best management plans, procedures for obtaining comments from the department of health and environmental sciences on the plans, and the adoption of completed plans and plan modifications as authorized by 80-15-211 through 80-15-218;

(c) standards for maintaining the confidentiality of data and information declared confidential by EPA and of chemical registrant data and information protected from disclosure by federal or state law as required by 80-15-108;

(d) field and laboratory operational quality assurance, quality control, and confirmatory

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

procedures as authorized by 80-15-107, 80-15-202, and 80-15-203, which may include, through adoption by reference, procedures that have been established or approved by EPA for quality assurance and quality control;

(e) emergency procedures as authorized by 80-15-405;

(f) procedures for issuance of compliance orders as authorized by 80-15-403; and

(g) procedures for the assessment of administrative civil penalties as authorized by 80-15-412."

Renumber: subsequent sections

44. Page 18, lines 2 and 3.

Strike: first "and"

Following: "6"

Strike: ", "

Insert: "; and Title 80, chapter 15,"

45. Page 18, line 6.

Strike: "and"

46. Page 18, twice on line 7

Following: "10"

Strike: ", "

Insert: "; and Title 76, chapter 4,"

Strike: second "and"

47. Page 18, line 8.

Insert: "(4) [Section 4] is intended to be codified as an integral part of Title 50, chapter 2, and the provisions of Title 50, chapter 2, apply to [section 4].

(5) [Section 5] is intended to be codified as an integral part of Title 76, chapter 3, and the provisions of Title 76, chapter 3, apply to [section 5]."

And, as amended, do pass. Report adopted.

**SB 362**, be amended as follows:

1. Page 2, lines 1 and 2.

Strike: "authorized" on line 1 through "(1)" on line 2

Insert: "described in Title 16, chapter 20, subchapter 10, Administrative Rules of Montana"

2. Page 3, line 16.

Strike: "discharges"

Insert: "permit exclusions"

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/14/95

**HB 587**, introduced bill, be amended as follows:

1. Page 2, lines 26 through 28.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Strike: "Department" means the"  
Strike: "department" on line 27 through "revenue" on line 27  
Strike: "provided for in 2-15-1301 and," on line 27  
Strike: "when the meaning of the context" on line 27  
Strike: "requires," on line 27  
Strike: "includes its employees"  
Strike: "."

And, as amended, do pass. Report adopted.

**SB 328**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/14/95

**HB 11**, introduced by Bergsagel  
**HB 62**, introduced by M. Hanson  
**HB 292**, introduced by Fuchs  
**HB 381**, introduced by Knox  
**HB 411**, introduced by Orr  
**HB 520**, introduced by Fuchs  
**HJR 14**, introduced by Green

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/14/95

**HB 158**, introduced by Fuchs  
**HB 347**, introduced by Kottel

The Senate, on 3/15/95, failed to concur in House amendments to SB 259 and appointed a joint conference committee, requesting that the House appoint a like committee to confer on House amendments to SB 259.

President Brown appointed the following members:

Senator Mesaros. Chairman  
Senator Hargrove  
Senator Forrester

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 596**, introduced by Tuss, referred to Committee on Appropriations.  
**HB 597**, introduced by Wells, referred to Committee on Judiciary.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

House recessed at 12:10 p.m.

House reconvened at 1:10 p.m. Mr. Speaker in the Chair.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 355** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Boharski, Cobb, Curtiss, DeBruycker, Herron, Jore, Kadas, Kasten, Keenan, Kitzenberg, Larson, Orr, Simon, L. Smith, S. Smith, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Grimes, McGee.

Total 2

**SB 364** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Shea, Simon, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Cobb, DeBruycker, Elliott, Heavy Runner, Hurdle, Kitzenberg, Rose, Schwinden, Simpkins, L. Smith, Tropila, Tuss, Wyatt.

Total 14

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Absent or not voting: McGee.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Zook moved HB 2 do pass.

Representative Grady explained Section A of HB 2.

Representative Hurdle moved HB 2, Section A, second reading copy, be amended (Amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, McCulloch, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 28

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

Representative Quilici moved HB 2, Section A, second reading copy, be further amended (Amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Marshall,

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 66

Excused: None.  
Total 0

Absent or not voting: Kasten.  
Total 1

Representative Cobb moved HB 2, Section A, second reading copy, be further amended (amendment #3).  
Amendment #3 failed as follows:

Ayes: Barnhart, Boharski, Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McGee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simpkins, S. Smith, Squires, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt.  
Total 41

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rose, Simon, L. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook, Mr. Speaker.  
Total 57

Excused: None.  
Total 0

Absent or not voting: Molnar, Sliter.  
Total 2

Representative Raney moved HB 2, Section A, second reading copy, be further amended as follows (amendment #4).

1. Page A-7, line 6.

Strike: "57,559,692"	"58,267,107"	State Special, FY 1996 and 1997
Insert: "56,757,045"	"57,464,460"	State Special, FY 1996 and 1997

2. Page A-7, following line 10.

Insert: "c. Weed Control (Restricted)"		
"802,647"	"802,647"	State Special, FY 1996 and 1997

This amendment line-items weed control expenditures in the Department of Transportation.

Amendment #4 carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Ellis,



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Ewer, Forbes, Fuchs, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Zook.

Total 59

Noes: Ahner, Arnott, Bergman, Boharski, Brainard, Clark, Devaney, Elliott, Feland, Fisher, Galvin, Grady, Green, Grimes, H.S. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kasten, Keenan, Martinez, McKee, Mills, Molnar, Orr, Quilici, L. Smith, S. Smith, Somerville, Vick, Wagner, Wiseman, Wyatt.

Total 35

Excused: None.

Total 0

Absent or not voting: Bergsagel, Curtiss, Marshall, Sliter, Soft, Mr. Speaker.

Total 6

Representative Kadas moved HB 2, Section A, second reading copy, be further amended (amendment #5). Motion failed as follows:

Ayes: Arnott, Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Ohs, Peck, Raney, Ream, Rehbein, Ryan, Schwinden, S. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 39

Noes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Rose, Shea, Simon, Simpkins, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: Sliter, L. Smith.

Total 2

Representative Grady moved debate on Section A be closed at this time. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 15, 1995

Noes: Cobb, Cocchiarella, Ellingson, Ewer, Hagener, Heavy Runner, Hurdle, Kottel, Larson, Pavlovich, Peck, Quilici, Ryan, Tuss, Wennemar, Wyatt.

Total 16

Excused: None.

Total 0

Absent or not voting: McCulloch, Menahan.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved that the Committee of the Whole report be adopted. Report adopted. (74-15)

**MOTIONS**

Representative Kitzenberg moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried. (66-32)

**SB 355** - Representative Clark moved he be allowed to change his vote on SB 355, third reading, from nay to aye. Motion carried.

Representative Simon moved he be allowed to change his vote on SB 355, third reading, from aye to nay. Motion carried.

**SB 364** - Representative Tuss moved she be allowed to change her vote on SB 364, third reading, from aye to nay. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Thursday, March 16, 1995. Motion carried.

House adjourned at 2:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 16, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Representative M. Hanson in the Chair. Invocation by Representative Liz Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Harper, Mercer, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-sixth, forty-seventh and forty-eighth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/16/95

Correctly enrolled: HB 165, HB 185.

Examined by the sponsor and found to be correct: HB 165, HB 185.

Signed by the Speaker at 5:34 p.m., 3/15/95: HB 11, HB 62, HB 100, HB 135, HB 137, HB 154, HB 166, HB 188, HB 226, HB 235, HB 252, HB 263, HB 292, HB 318, HB 319, HB 342, HB 381, HB 411, HB 463, HB 474, HB 520, HB 527, HB 549, HJR 10, HJR 14.

Signed by the Speaker at 7:30 a.m., 3/16/95: HB 253.

BUSINESS & LABOR (Simon, Chairman): 3/15/95

**SB 224**, be amended as follows:

1. Page 1, lines 27 and 28.

Following: "had" on line 27

Strike: "AIDS or another"

Insert: "a"

2. Page 7, following line 23.

Insert: "(b) disclose to a buyer or the buyer's agent when the seller's agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;"

Renumber: subsequent subsections

3. Page 8, following line 11.

Insert: "(b) disclose to the seller or the seller's agent when the buyer's agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;"

Renumber: subsequent subsections

4. Page 9, line 23.

Insert: "(10) Consistent with the licensee's duties as a buyer agent, a seller agent, a dual agent, or a statutory broker, a licensee shall endeavor to ascertain all pertinent facts concerning each property in any transaction in which the licensee acts so that the licensee may fulfill the obligation to avoid error, exaggeration, misrepresentation, or concealment of pertinent facts."

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

**SB 246**, be concurred in. Report adopted.

**SB 264**, be amended as follows:

1. Title, line 9.

Following: "PENALTIES;"

Insert: "AMENDING SECTIONS 39-71-117 AND 39-71-118, MCA;"

2. Page 1, lines 21, 27, and 29.

Page 2, line 11

Page 3, lines 14, 16, 18, 20, 27, and 30

Page 5, line 29

Page 6, line 20

Page 7, line 20

Page 8, lines 9, 13, 18, and 22

Page 11, lines 28 and 29

Page 12, line 28

Page 14, lines 12, 13, 14, 15, 21, and 22

Page 15, line 13

Page 16, lines 13 and 15

Strike: "15"

Insert: "17"

3. Page 3, line 13.

Following: "arrangement"

Insert: "or an employee leasing arrangement"

4. Page 8, line 26.

Following: "to"

Insert: ": (i)"

5. Page 8, line 27.

Following: "department"

Strike: "and to"

Insert: "; (ii) notify each client in writing that the client shares joint and several liability, retroactive to the date of the client's entering into a contract with the licensee, for any wages, workers' compensation premiums, payroll-related taxes, and any benefits left unpaid by the professional employer organization or group; and (iii)"

6. Page 9, line 16.

Following: "worker"

Strike: "subject to a professional employer arrangement"

Insert: "supplied to a client by a professional employer organization or group"

7. Page 9, line 17.

Following: "joint"

Insert: "and several"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

8. Page 9, line 18.

Following: "group"

Strike: " ; "

Following: "and"

Insert: "that, in the event that the licensee's license is suspended or revoked, this liability is retroactive to the client's entering into a contract with the licensee; and"

9. Page 12, line 29.

Following: "33"

Insert: "unless the professional employer organization or group:

(a) undertakes to indemnify another or pay or provide a specified or determinable amount of benefit based on determinable contingencies unless done through a licensed insurer or an employee benefit program as defined in 29 U.S.C. 1002(1);

(b) solicits, negotiates, effects, procures, delivers, renews, continues, or binds an insurance policy unless done through a licensed insurance producer; or

(c) is exempt under 33-17-103(4)."

10. Page 14, line 16.

Strike: "\$500"

Insert: "\$1,000"

11. Page 14, line 18.

Insert: " NEW SECTION. Section 12. Practice without license -- investigation of complaint -- injunction.

(1) The department shall investigate complaints concerning practice by an unlicensed person of activities for which a license is required under [sections 1 through 17].

(2) The department may file an action to enjoin a person from practicing without a license as a professional employer organization or group.

NEW SECTION. Section 13. Violation of injunction -- penalty. A person who violates an injunction issued under [section 12] shall pay a civil penalty, as determined by the court, of not more than \$5,000.

Fifty percent of the penalty must be deposited in the general fund of the county in which the injunction is issued, and 50% must be deposited in the state general fund."

Renumber: subsequent sections

12. Page 16, line 2.

Following: "ADVISORY"

Insert: "or rating"

Following: "ORGANIZATION"

Insert: "of which the insurer is required to be a member under Title 33, chapter 16, part 10,"

13. Page 16, line 12.

Insert: "Section 18. Section 39-71-117, MCA, is amended to read:

"39-71-117. Employer defined. (1) "Employer" means:

(a) the state and each county, city and county, city school district, irrigation district, all other districts established by law, and all public corporations and quasi-public corporations and public agencies therein and every person, every prime contractor, and every firm, voluntary association, and private corporation, including any public service corporation and including an independent contractor who has any person in service under any appointment or contract of hire, expressed or implied, oral or written, and the legal representative of any deceased employer or the receiver or trustee thereof;

(b) any association, corporation, or organization that seeks permission and meets the requirements set by



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

the department by rule for a group of individual employers to operate as self-insured under plan No. 1 of this chapter; and

(c) any nonprofit association or corporation or other entity funded in whole or in part by federal, state, or local government funds that places community service participants, as defined in 39-71-118(1)(f), with nonprofit organizations or associations or federal, state, or local government entities.

(2) A temporary service contractor is the employer of a temporary worker for premium and loss experience purposes.

(3) ~~An~~ Except as provided in [sections 1 through 17], an employer defined in subsection (1) who utilizes the services of a worker furnished by another person, association, contractor, firm, or corporation, other than a temporary service contractor, is presumed to be the employer for workers' compensation premium and loss experience purposes for work performed by the worker. The presumption may be rebutted by substantial credible evidence of the following:

(a) the person, association, contractor, firm, or corporation, other than a temporary service contractor, furnishing the services of a worker to another retains control over all aspects of the work performed by the worker, both at the inception of employment and during all phases of the work; and

(b) the person, association, contractor, firm, or corporation, other than a temporary service contractor, furnishing the services of a worker to another has obtained workers' compensation insurance for the worker in Montana both at the inception of employment and during all phases of the work performed.

(4) ~~Notwithstanding the provisions of subsection (3), an~~ An interstate or intrastate common or contract motor carrier doing business in this state who utilizes drivers in this state is considered the employer, is liable for workers' compensation premiums, and is subject to loss experience rating in this state unless:

(a) the driver in this state is certified as an independent contractor as provided in 39-71-401(3); or

(b) the person, association, contractor, firm, or corporation furnishing drivers in this state to a motor carrier has obtained workers' compensation insurance on the drivers in Montana both at the inception of employment and during all phases of the work performed."

Section 19. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and volunteer firefighter defined. (1) The terms "employee" or "worker" means:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined in this subsection while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an aircrew member or other person employed as a volunteer under 67-2-105;

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(g) an inmate working in a federally certified prison industries program authorized under 53-1-301.

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities.

(3) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(4) (a) If the employer is a partnership or sole proprietorship, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner or sole proprietor is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.

(5) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(6) ~~As~~ Except as provided in [sections 1 through 17], an employee or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(7) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (7)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

(i) nonresident employees are hired in Montana;



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

- (ii) nonresident employees' wages are paid in Montana;
- (iii) nonresident employees are supervised in Montana; and
- (iv) business records are maintained in Montana.

(8) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (7)(b) or (7)(d) as a condition of approving the election under subsection (7)(d)."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 298**, be concurred in. Report adopted.

**SB 311**, be amended as follows:

1. Title, line 8.

Following: "DATE"

Strike: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 4, line 18.

Following: "revenue,"

Insert: "justice,"

3. Page 5, line 9.

Following: "revenue,"

Insert: "justice,"

4. Page 6, lines 15 through 19.

Strike: section 8 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SB 335**, be amended as follows:

AMEND HOUSE COMMITTEE OF THE WHOLE REPORT DATED MARCH 11, 1995, AS FOLLOWS:

Strip amendments 1 through 3 in their entirety.

AND THAT SENATE BILL NO. 335, THIRD READING COPY, BE FURTHER AMENDED AS FOLLOWS:

Page 2, line 5.

Following: "cycle."

Insert: "However, the buyer may pay the entire account balance at any time without incurring an additional finance charge from the date of the close of the last billing cycle."

And, as amended, be concurred in. Report adopted.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

FISH & GAME (Wagner, Chairman):  
SB 210, be amended as follows:

3/10/95

1. Page 1, line 22.

Strike: "\$100"

Insert: "\$50"

2. Page 7, line 19.

Strike: "subsection"

Insert: "subsections"

Following: "(4)"

Insert: "(b) through (4)(e)"

3. Page 7, line 24.

Following: "section"

Insert: ", except that a reassigned member continues to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e)"

4. Page 8, line 21.

Strike: "under 24 years of age"

Following: "enrolled"

Insert: "full-time"

And, as amended, be concurred in. Report adopted.

HB 349, introduced bill, be amended as follows:

3/15/95

1. Title, line 5.

Strike: "BY REQUIRING"

Insert: "THROUGH VOLUNTARY"

2. Title, lines 7 and 8.

Following: "STATE" on line 7

Strike: "AND" through "FEDERAL" on line 8

3. Title, line 8.

Following: "PROGRAM;"

Insert: "AUTHORIZING THE GOVERNOR TO APPOINT A FUTURE FISHERIES REVIEW PANEL AND ESTABLISHING THE DUTIES OF THE PANEL;"

4. Title, line 12.

Strike: "BUDGET"

Insert: "EXPENSES"

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "DATES AND TERMINATION DATES"

5. Page 1, line 16.

Following: "loss of"

Insert: "historic"

Following: "habitats"

Insert: "of native fish species"

6. Page 1, lines 21 through 23.

Strike: lines 21 through 23 in their entirety

7. Page 1, line 24.

Insert: "WHEREAS, a wild fisheries enhancement program will immensely benefit landowner-sportsperson relations; and

WHEREAS, a wild fisheries enhancement program will benefit Montana's economy; and

WHEREAS, it is fiscally sound state policy to enhance natural habitats and spawning areas to improve fishing opportunities now and preserve fishing opportunities for future generations; and

WHEREAS, voluntary cooperation between landowners, interested citizens, public and private organizations, and the Department of Fish, Wildlife, and Parks will help accomplish the purposes of the future fisheries improvement program."

8. Page 1, lines 29 and 30.

Following: "establish" on line 29

Insert: "and implement"

Following: "a" on line 29

Insert: "statewide voluntary"

Following: "program that" on line 29

Strike: "ensures that functioning"

Insert: "promotes fishery habitats and".

Following: "spawning" on line 29

Strike: remainder of line 29 through "miles" on line 30

Insert: "areas for the rivers, streams, and lakes"

9. Page 1, line 30.

Following: "Montana's"

Strike: "cold water"

10. Page 2, lines 1 through 13.

Following: "(2)" on line 1

Strike: remainder of line 1 through "administration." on line 13

Insert: "The department shall by April 1, 1996, and thereafter when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given to projects that enhance the historic habitat of native fish species. The department shall fund and implement the program regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or interfere with the exercise of any water rights or property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner.

(3) The department shall work in cooperation with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. Any department employee who is employed under this section to facilitate contact with landowners must have experience in commercial or irrigated agriculture. The department shall encourage the use of volunteer labor and grants, matching grants, and private donations to accomplish program purposes. The department may use contracted services:

- (a) for negotiations with landowners, local officials, citizens, and others;
- (b) for coordination with other agencies that may be involved in projects conducted under this section; and
- (c) to perform and supervise project work.

(4) Funds expended under this section may be used only for projects for the protection of the fisheries resource that have been identified by the review panel established in [section 2] and approved by the commission and may not be used for the acquisition of any interest in land."

Renumber: subsequent subsection

11. Page 2, line 15.

Strike: "6"

Insert: "12"

12. Page 2, line 17.

Following: "also"

Insert: "present a detailed"

13. Page 2, line 18.

Following: "department's"

Insert: "program activities and expenses since the last report and the"

Following: "project"

Strike: "schedule"

Insert: "schedules"

14. Page 2, line 19.

Following: "and"

Strike: "budget schedule"

Insert: "anticipated expenses"

15. Page 2, line 20.

Insert: "(c) In order to implement [sections 1 and 2], the department may expend revenue from the future fisheries improvement program for up to two additional full-time employees.

NEW SECTION. Section 2. Future fisheries review panel -- purpose -- appointment and duties. (1)

The governor shall call for nominees for, accept and review recommendations for, and, by August 1, 1995, appoint a future fisheries review panel. The panel must consist of at least 10 members, including but not limited to:

- (a) one member who is a representative of conservation districts;
- (b) one member with expertise in commercial agriculture or silviculture;
- (c) one member with expertise in irrigated agriculture;
- (d) one member from the private sector who is a fisheries restoration professional;
- (e) two members who are licensed Montana anglers;



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

- (f) one member of the house of representatives, chosen by the speaker of the house;
  - (g) one member of the senate, chosen by the president of the senate;
  - (h) one member who is a representative of the governor's office; and
  - (i) one member who is a Montana high school student.
  - (2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.
  - (3) The purpose of the review panel is to:
    - (a) review, at least every 6 months, proposed projects that have been submitted by public or private entities for funding;
    - (b) determine what projects are eligible for inclusion in the future fisheries improvement program;
    - (c) approve or reject proposed projects; and
    - (d) forward a list of approved projects to the department.
  - (4) To be eligible for funding, a project must be generated at the local level and must be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens. Before consideration of any project that involves streambed or streambank restoration, a change in the use of water, or any other purpose that affects a particular property owner's interest in land or water, the review panel is required to find that the project is being proposed for funding with the voluntary approval of the participating property owner.
- NEW SECTION. Section 3. Funding of future fisheries program. The following amounts must be expended by the department to enhance future fisheries, as directed by [section 1]:
- (1) \$290,000 redirected from the river restoration program;
  - (2) \$1.5 million redirected from the Blue Water hatchery phase II project for the 1996-97 biennium; and
  - (3) \$510,000 redirected from the Tongue River restoration project, to be used in the Tongue River basin for the purposes of [section 1]."

Renumber: subsequent sections

16. Page 2, line 21.

Strike: "Section 1"

Insert: "Sections 1 and 2"

Strike: "is"

Insert: "are"

17. Page 2, line 23.

Strike: "section 1"

Insert: "sections 1 and 2"

18. Page 2, line 24.

Insert: "NEW SECTION. Section 5. Termination. (1) [Sections 1 and 2] terminate July 1, 2005.

2) [Section 3] terminates July 1, 1997."

Renumber: subsequent section

19. Page 2, line 25.

Strike: "date."

Insert: "dates. (1)"

Strike: "This act"

Insert: "Section 3"

Following: "1995."

Insert: "(2) [Sections 1, 2, 4, and 5 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

**SB 312**, be amended as follows:

1. Page 2, line 6.

Following: "~~take~~"

Insert: ", under a plan approved by the governor,"

And, as amended, be concurred in. Report adopted.

**SB 352**, be amended as follows:

1. Title, line 5.

Following: "A"

Insert: "PUBLICLY OWNED"

2. Page 1, line 17.

Strike: "PUBLIC"

Insert: "publicly owned"

3. Page 1, line 24.

Following: "taking of a"

Insert: "publicly owned"

4. Page 1, line 28.

Following: "~~trespassing~~"

Insert: "publicly owned"

5. Page 3, line 4.

Following: "instruction"

Insert: "-- contingent codification"

Following: third "."

Insert: "(1)"

6. Page 3, line 6.

Insert: "(2)(a) If Senate Bill No. 312 is passed and approved and if it transfers to the department of livestock primary management of publicly owned wild buffalo or bison that enter Montana on private or public land, then [section 1 of this act] is void and a new section is enacted to read: "Taking of publicly owned wild buffalo or bison that are present on private property -- notice -- supplemental feeding -- penalty. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild buffalo or bison that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if:

(a) the landowner or agent notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or bison that is present on the landowner's property;

(b) the landowner or agent makes a good faith effort to salvage the carcass or carcasses and to retain all parts for disposal by the department; and

(c) the landowner or agent is not in violation of subsection (2). (2) A person may not intentionally provide supplemental feed to game animals in a manner that results in artificial concentration of game

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1)."

(b) The code commissioner is instructed to codify the new section in Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to the new section."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/15/95

**HB 517**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 30.

Strike: "awarded by a verdict"

Insert: "received by a claimant"

3. Page 2, line 8.

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to proceedings filed after July 1, 1995."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**SB 64**, be amended as follows:

1. Page 4, line 15.

Following: "~~shall~~"

Strike: "referred to in subsection (1) must"

Insert: "shall"

2. Page 4, line 18.

Following: "of the"

Insert: "sealed"

Following: "so"

Strike: "that have been sealed"

And, as amended, be concurred in. Report adopted.

**SB 66**, be amended as follows:

1. Title, line 12.

Following: "45-5-503,"

Insert: "45-5-625, 45-5-627,"

2. Page 1, line 25.

Strike: "OR"



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

3. Page 1, line 27.

Following: "~~;-or~~"

Insert: ";

- (iv) 45-5-625, sexual abuse of children; or
- (v) 45-5-627, except subsection (1)(b), ritual abuse of a minor"

4. Page 6, line 15.

Insert: "Section 9. Section 45-5-625, MCA, is amended to read:

"45-5-625. Sexual abuse of children. (1) A person commits the offense of sexual abuse of children if the person knowingly:

- (a) employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;
- (b) photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated;
- (c) persuades, entices, counsels, or procures a child to engage in sexual conduct, actual or simulated, for use as designated in subsection (1)(a), (1)(b), or (1)(d);
- (d) processes, develops, prints, publishes, transports, distributes, sells, possesses with intent to sell, exhibits, or advertises any visual or print medium in which children are engaged in sexual conduct, actual or simulated;
- (e) possesses material referred to in subsection (1)(d); or
- (f) finances any of the activities described in subsections (1)(a) through (1)(d), knowing that the activity is of the nature described in those subsections.

(2) (a) Except as provided in [section 1] and subsections (2)(b) and (2)(c) of this section, a person convicted of the offense of sexual abuse of children shall be fined not to exceed \$10,000 or be imprisoned in the state prison for any term not to exceed 20 years, or both.

(b) If Except as provided in [section 1], if the victim is under 16 years of age, a person convicted of the offense of sexual abuse of children shall be fined not to exceed \$10,000 or be imprisoned in the state prison for any term not to exceed 50 years, or both.

(c) A Except as provided in [section 1], a person convicted of the offense of sexual abuse of children for the possession of material, as provided in subsection (1)(e), shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) An offense is not committed under subsections (1)(d) through (1)(f) if the visual or print medium is processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent to sell, or if such an activity is financed, as part of a sex offender information or treatment course or program conducted or approved by the department of corrections and human services."

Section 10. Section 45-5-627, MCA, is amended to read:

"45-5-627. Ritual abuse of minor -- exceptions -- penalty. (1) A person commits the offense of ritual abuse of a minor if the person purposely or knowingly and as part of any ceremony, rite, or ritual or of any training or practice for any ceremony, rite, or ritual:

- (a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, or felony assault against a victim less than 16 years of age; or kills a person less than 16 years of age;
- (b) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;
- (c) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;
- (d) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

(e) places a living minor or another living person in the presence of a minor in a coffin or open grave that is empty or that contains a human corpse or remains; or

(f) threatens the minor or, in the presence of the minor, threatens any person or animal with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to activities, practices, and procedures otherwise allowed by law.

(3) ~~A~~ Except as provided in [section 1], a person convicted of ritual abuse of a minor shall:

(a) for the first offense, be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than \$50,000, or both; and

(b) for a second or subsequent offense, be imprisoned in the state prison for any term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, or both.

(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

Renumber: subsequent sections

5. Page 9, line 17.

Following: "enroll in"

Insert: "and complete"

6. Page 13, line 11.

Insert: "NEW SECTION. Section 20. Coordination instruction. If House Bill No. 46 is passed and approved, then the crime of arson, 45-6-103, is deleted from the crimes listed in [subsection (1)(b) of section 1 of this act]."

And, as amended, be concurred in. Report adopted.

**SB 113**, be amended as follows:

1. Title, line 6.

Following: "INSURANCE;"

Insert: "INCREASING FINES;"

2. Page 1, lines 16 and 17.

Strike: "not" on line 16 through "\$250 or more than" on line 17

3. Page 1, line 18.

Strike: "\$350"

Insert: "\$750"

4. Page 1, line 19.

Strike: "\$500"

Insert: "\$1,000"

And, as amended, be concurred in. Report adopted.

**SB 218**, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

SB 272, be concurred in. Report adopted.

SB 297, be concurred in. Report adopted.

SB 353, be concurred in. Report adopted.

SB 372, be amended as follows:

1. Page 1, line 13.

Strike: "IN A CIVIL ACTION"

Following: "duties"

Insert: "in a civil action in which the state or one of its agencies is not a party"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/15/95

HB 165, introduced by Story

HB 185, introduced by Bergsagel

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/15/95

HB 232, introduced by Jore

HB 295, introduced by Holland

HB 354, introduced by Mills

**MOTIONS**

HB 349 - Representative Grinde moved HB 349 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

HB 542 - Representative Grinde moved HB 542 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:10 a.m.

House reconvened at 9:10 a.m. Mr. Speaker in the Chair.

**MOTIONS**

HB 580 - Representative Grinde moved HB 580 be taken from the Committee on Appropriations and rereferred to the Committee on Business & Labor. Motion carried.

HB 581 - Representative Grinde moved HB 581 be taken from the Committee on Appropriations and rereferred to



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

the Committee on Business & Labor. Motion carried.

**HB 526** - Representative Grinde moved HB 526 be taken from the Committee on Appropriations and rereferred to the Committee on Business & Labor. Motion carried.

**REPORTS OF STANDING COMMITTEES**

TAXATION (Hibbard, Chairman):

3/15/95

**HB 90**, introduced bill, be amended as follows:

1. Title, line 7.

Following: the first "DATE"

Strike: "AND"

Insert: ", "

Following: "APPLICABILITY DATE"

Insert: ", AND A CONTINGENT VOIDNESS PROVISION"

2. Page 8, line 11.

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 412 is passed and approved, then Senate Bill No. 412 is amended as provided in subsections (1) and (2) of this section and the distribution of revenue must be modified as provided in subsection (3) of this section. If necessary, the code commissioner shall correct all erroneous internal references within Senate Bill No. 412 caused by this section.

(1) The definition section, [section 3], of Senate Bill No. 412, is amended by adding the following definition, in alphabetical order, and renumbering subsequent subsections:

"(20) "Stripper exemption" means the first 3 barrels a day for petroleum and other mineral or crude oil produced by a stripper well if the average price per barrel of oil as reported in the Wall Street Journal for west Texas intermediate crude oil during a calendar quarter is less than \$30 a barrel. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper exemption in that quarter. The average price per barrel is computed by dividing the sum of the daily price for west Texas intermediate crude oil as reported in the Wall Street Journal for the calendar quarter by the number of days on which the price was reported in the quarter."

(2)(a) The section imposing tax rates, [section 4], of Senate Bill No. 412, is amended by amending subsection (4)(b) as follows:

Following: "(b) stripper oil production"

Insert: "(i)"

Following: the row entitled "pre-1985 and post-1985 wells"

Insert: "(ii) stripper exemption production [a%] [b%]"

(b) The rate "a%" is 5 percentage points less than the rate for stripper oil production working interest pre-1985 and post-1985, including all changes to that rate resulting from bills other than [this act]. The rate "b%" is the same rate as stripper oil production nonworking interest pre-1985 and post-1985, including all changes to that rate resulting from bills other than [this act].

(3) The department of revenue shall, by rule, change the formula under [section 18] of Senate Bill No. 412 for distribution of taxes collected under [section 4] of Senate Bill No. 412. In recalculating distribution rates for the revenue raised by Senate Bill No. 412, the department of revenue shall determine the revised rate according to a formula that presumes that the reduction in the tax rate for a working interest between subsections (4)(b)(i) and (4)(b)(ii) of [section 4] of Senate Bill No. 412 is to be borne by the state and not local governments.

NEW SECTION. Section 4. Contingent voidness. In order to maintain a balanced budget, because [this

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 209**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Following: "AN ACT"

Insert: "REVISING THE MONTANA STATE INCOME TAX BY"

Strike: "OF \$1,590" on line 4 through "HOUSEHOLD RETURN" on line 5

2. Title, line 6.

Following: "FACTOR"

Insert: ", AND BY INCREASING THE MINIMUM INCOME FILING REQUIREMENT"

3. Title, line 7.

Following: "DATE"

Insert: "AND A CONTINGENT VOIDNESS PROVISION"

4. Page 1, line 14.

Strike: "\$860"

Insert: "\$665"

Strike: "and the"

Insert: "as adjusted under the provisions of subsection (2), or 20% of adjusted gross income, whichever is greater, to a"

5. Page 1, line 15.

Strike: "is"

Insert: "of"

Strike: ", except that"

Insert: ". However,"

6. Page 1, line 17.

Strike: "\$1,720"

Insert: "\$1,330"

7. Page 1, line 18.

Strike: "and the"

Insert: ", as adjusted under the provisions of subsection (2), or 20% of adjusted gross income, whichever is greater, to a"

Strike: "is"

Insert: "of"

8. Page 1, line 24.

Following: "multiply"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "both the minimum and"

9. Page 1, line 26.

Following: "The"

Insert: "minimum and maximum"

10. Page 1, line 27.

Following: "amount"

Insert: "of the minimum and maximum standard deduction"

11. Page 2, lines 12 and 13.

Strike: "based" on line 12 thorough "residents" on line 13

Insert: "if the taxpayer's gross income for the tax year derived from sources within Montana exceeds the amount of the personal exemption that the taxpayer is entitled to claim for the taxpayer and the taxpayer's spouse under the provisions of 15-30-112(2) through (4)"

12. Page 3, line 15.

Insert: "NEW SECTION. Section 3. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

Renumber: subsequent section

13. Page 3, line 16.

Strike: "[This act]"

Insert: "[Section 1]"

And, as amended, do pass. Report adopted.

**HB 293**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "REQUIRING THE USE OF"

Insert: "PROVIDING THE OPTION OF USING"

2. Title, line 9.

Strike: "15-1-802,"

3. Page 1, line 15.

Strike: "Taxes to be paid and returns to be filed by electronic"

Insert: "Electronic"

4. Page 1, line 16.

Following: "reporting"

Insert: "-- employer option"

5. Page 1, lines 16 through 22.

Strike: "Unless" on line 16 through "(2)" on line 22



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Renumber: subsequent subsections

6. Page 1, line 23.

Strike: "be exempt from the electronic payment and filing requirements"

Insert: "remit and file state income tax withholding and old fund liability tax electronically"

7. Page 1, line 25.

Following: "months."

Insert: "An employer may cancel the election provided in this section by providing written notice of the cancellation to the department."

8. Page 1, line 26.

Strike: "required"

Insert: "who elects"

9. Page 1, line 29 through page 2, line 2.

Strike: subsection (4) in its entirety

10. Page 2, lines 16 through 22.

Strike: section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 497**, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Strike: "PROVIDING" on line 4 through "PAYMENT;" on line 6

2. Title, line 7.

Strike: "LOW-INCOME"

Following: "TAX"

Insert: "ASSISTANCE"

3. Title, line 8.

Strike: "APRIL"

Insert: "MARCH"

Following: "15;"

Insert: "PROVIDING MORE INFORMATION IN THE DEPARTMENT'S NOTICE OF CLASSIFICATION, INCLUDING INFORMATION FOR COMPARISON OF MILLS AND TAXES FOR THE PRIOR YEAR; PROVIDING FOR THE PHASE IN OF CHANGES IN THE VALUE OF CLASS FOUR PROPERTY BECAUSE OF PERIODIC REVALUATION; ALLOWING A DECREASE IN MARKET VALUE TO BE EFFECTIVE WITHOUT A PHASE IN;"

4. Title, line 9.

Strike: "AND"

5. Title, line 10.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Strike: "15-16-101, 15-16-102"

Insert: "15-7-102"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, APPLICABILITY DATES, AND A COORDINATION PROVISION"

6. Page 1, line 14 through page 3 line 16.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

7. Page 3, line 29.

Strike: "\$10,000"

Insert: "\$15,000"

Strike: "\$12,000"

Insert: "\$20,000"

8. Page 4, line 10.

Strike: "described"

Insert: "qualifying under the property tax assistance program"

9. Page 4, line 15.

Strike: "0%"

Insert: "20%"

10. Page 4, line 16.

Strike: "\$1,500"

Insert: "\$6,000"

Strike: "\$2,000"

Insert: "\$8,000"

11. Page 4, line 17.

Strike: "10%"

Insert: "50%"

12. Page 4, line 18.

Strike: "1,501 - 3,000"

Insert: "6,001 - 9,200"

Strike: "2,001 - 4,000"

Insert: "8,001 - 14,000"

13. Page 4, line 19.

Strike: "20%"

Insert: "70%"

14. Page 4, line 20.

Strike: "3,001 - 4,500"

Insert: "9,201 - 15,000"

Strike: "4,001 - 6,000"

Insert: "14,001 - 20,000"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

15. Page 4, line 21.

Strike: "30%"

16. Page 4, line 22.

Strike: "4,501 - 6,000"

Strike: "6,001 - 8,000"

17. Page 4, line 23.

Strike: "40%"

18. Page 4, line 24.

Strike: "6,001 - 7,500"

Strike: "8,001 - 10,000"

19. Page 4, line 25.

Strike: "50%"

20. Page 4, line 26.

Strike: "7,501 - 9,000"

Strike: "10,001 - 12,000"

21. Page 4, line 27.

Strike: "60%"

22. Page 4, line 28.

Strike: "9,001 - 10,500"

Strike: "12,001 - 14,000"

23. Page 4, line 29.

Strike: "70%"

24. Page 4, line 30.

Strike: "10,501 - 12,000"

Strike: "14,001 - 16,000"

25. Page 5, line 1.

Strike: "80%"

26. Page 5, line 2.

Strike: "12,001 - 13,500"

Strike: "16,001 - 18,000"

27. Page 5, line 3.

Strike: "90%"

28. Page 5, line 4.

Strike: "13,501 - 15,000"

Strike: "18,001 - 20,000"



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

29. Page 5, line 25.

Following: "property"

Insert: "under the property tax assistance program"

30. Page 5, line 27.

Strike: "his"

31. Page 6, line 1.

Strike: "April"

Insert: "March"

32. Page 6, line 11.

Insert: "Section 3. Section 15-7-102, MCA, is amended to read:

"15-7-102. Notice of classification and appraisal to owners -- appeals. (1) (a) The department shall mail to each owner or purchaser under contract for deed a notice of the classification of the land owned or being purchased and the appraisal of the improvements on the land only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

~~(a)~~(i) change in ownership;

~~(b)~~(ii) change in classification;

~~(c)~~(iii) change in valuation; or

~~(d)~~(iv) addition or subtraction of personal property affixed to the land.

(b) The notice must include the following for the taxpayer's informational purposes :

(i) the total amount of mills levied against the property in the prior year;

(ii) the amount of the prior year's taxes resulting from levied mills;

(iii) an estimate of the current year's taxes based on the prior year's mills; and

(iv) a statement that the notice is not a tax bill.

(c) Any misinformation provided in the information required by subsection (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) The department shall assign each assessment to the correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a standardized form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an assessment review by submitting an objection in writing to the department, on forms provided by the department for that purpose, within 15 days after receiving the notice of classification and appraisal from the department. The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall give reasonable notice to the taxpayer of the time and place of the review. After the review, the department shall determine the ~~true and~~ correct appraisal and classification of the land or improvements and notify the taxpayer of its determination. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

- (a) the taxpayer has submitted an objection in writing; and
- (b) the department has stated its reason in writing for making the adjustment.

(5) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) If any property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the state tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board must be filed within 15 days after notice of the department's determination is mailed to the taxpayer. A county tax appeal board or the state tax appeal board may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the state tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

NEW SECTION. Section 4. Phase in of revaluation of land. (1) An increase in the appraised value of class four property resulting from a revaluation cycle under 15-7-111 must be phased in. Each year following a revaluation cycle, the value of the property must be increased annually by one-third of the difference between the phased-in value from the previous appraised value and the new appraised value.

(2) If the appraised value of property decreases because of a revaluation cycle, the decreased value is the assessed value and is not phased in."

Renumber: subsequent sections

33. Page 7, line 11.

Insert: "NEW SECTION. Section 6. Coordination. In order to maintain a balanced budget, because [this act] reduces revenue, it is void unless House Bill No. 293 is passed and approved containing an estimated revenue increase of at least \$2,200,000.

NEW SECTION. Section 7 Effective date -- applicability. (1) [This act] is effective on passage and approval.

(2)(a) Except as provided in subsection (2)(b), [this act] applies to tax years beginning after December 31, 1995.

(b) [Section 5] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994."

And, as amended, do pass. Report adopted.

**HB 535**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PROVIDING"

Insert: "EFFECTIVE DATES,"

Following: "DATE"

Insert: ", AND A CONTINGENT VOIDNESS PROVISION"

2. Page 2, line 10.

Insert: "NEW SECTION. Section 4. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Renumber: subsequent section

3. Page 2, line 13.

Insert: "NEW SECTION. Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective December 31, 1995.

(2) [Section 3] and this section are effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 567**, introduced bill, be amended as follows:

1. Title, line 18.

Following: "DATE"

Insert: " AND A CONTINGENT VOIDNESS PROVISION"

2. Page 10, line 8.

Strike: "OR"

Insert: "and"

3. Page 13, line 4.

Insert: "NEW SECTION. Section 11. Contingent voidness. In order to maintain a balanced budget, because [this act] reduces revenue, it may not be transmitted to the governor unless a corresponding identified reduction in spending is contained in House Bill No. 2. If a corresponding identified reduction in spending is not contained in House Bill No. 2, [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 15, 1995

Dear Representative Mercer:

Please be informed that I have signed house Bill 559 sponsored by Representatives Menahan and Pavlovich on March 15, 1995.

Sincerely,

MARC RACICOT  
Governor



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Fisher explained Section D of HB 2.

Representative Barnhart moved HB 2, Section D, second reading copy, be amended as follows (amendment #1):

1. Page D-8, line 12.

Following: "has been found"

Insert: ", through a court of law,"

Language in HB 2 prevents the Department of Corrections and Human Services from contracting with a service provider that has been found to have, through fraud or falsification of documents, attempted to receive public funds to which the provider was not entitled.

This amendment clarifies that it must be determined "in a court of law" that a service provider attempted to receive public funds to which the provider was not entitled.

Amendment #1 carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Rehbein.

Total 2

Excused: Harper.

Total 1

Absent or not voting: Bergman, Denny, Holland, Hurdle, Molnar, Tash.

Total 6

Representative Wiseman moved HB 2, Section D, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows:

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Ayes: Ahner, Arnott, Bergsagel, Boharski, Carey, Cobb, Ellis, Ewer, Forbes, Galvin, Green, Hurdle, J. Johnson, Kottel, Larson, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Ryan, Schwinden, Shea, Simpkins, L. Smith, Somerville, Squires, Stovall, Swanson, Tropila, Tuss, Wiseman, Wyatt, Zook.

Total 34

Noes: Anderson, Barnett, Barnhart, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Feland, Fisher, Fuchs, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McKee, Mills, Murdock, Nelson, Ohs, Orr, Peck, Raney, Ream, Rehbein, Rose, Simon, Sliter, S. Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Mr. Speaker.

Total 63

Excused: Harper.

Total 1

Absent or not voting: Bergman, McGee.

Total 2

Representative Vick moved HB 2, Section D, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows:

Ayes: Anderson, Arnott, Barnett, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Holland, Jore, Kasten, Keenan, Marshall, Mills, Molnar, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 48

Noes: Ahner, Barnhart, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Hagener, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Soft, Squires, Stovall, Swanson, Tropila, Tuss, Wennemar, Zook.

Total 48

Excused: Harper.

Total 1

Absent or not voting: Bergman, Forbes, McGee.

Total 3

Representative Vick moved HB 2, Section D, second reading copy, be further amended as follows (amendment #4):

1. Page D-3, line 19. (Narr. D-30)

Strike: "1,096,667" 1,120,237" (general fund)

Insert: "1,069,780" 1,066,278" (general fund)

LFA will adjust totals.

This amendment eliminates additional Local Area Network support in the Computer Services and Planning Division,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Department of Justice. This proposal included 1.0 FTE and \$26,887 general fund in fiscal 1996 and an additional FTE and \$53,959 of general fund in fiscal 1997.

Amendment #4 passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Heavy Runner, Herron, Holland, Jore, Kasten, Keenan, Kottel, Marshall, McCann, Mills, Molnar, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Mr. Speaker.  
Total 49

Noes: Ahner, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Soft, Squires, Stovall, Swanson, Tropila, Tuss, Wennemar, Zook.  
Total 46

Excused: Harper.  
Total 1

Absent or not voting: Bergman, Forbes, Green, McGee.  
Total 4

Representative Menahan moved HB 2, Section D, second reading copy, be further amended (amendment #5).  
Amendment #5 failed as follows:

Ayes: Ahner, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Forbes, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Swanson, Tropila, Wennemar, Wyatt, Zook.  
Total 36

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.  
Total 60

Voted Absentee: Harper, Aye.

Excused: None.  
Total 0

Absent or not voting: Barnhart, McGee, Squires, Tuss.  
Total 4

Representative Jore moved HB 2, Section D, second reading copy, be further amended (amendment #6).  
Amendment #6 failed as follows:



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Larson, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simpkins, Sliter, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 45

Noes: Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Soft, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 55

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Menahan moved HB 2, Section D, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows:

Ayes: Ahner, Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Feland, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Stovall, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook.

Total 46

Noes: Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Mr. Speaker.

Total 53

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

Representative Molnar moved HB 2, Section D, second reading copy, be further amended as follows (amendment #8):

1. Page D-8, following line 12.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "The department may not contract for MRM administrative services with providers that compete as caregivers with referring caregivers."

Amendment #8 passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Nelson, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Cocchiarella, Curtiss, Ewer, Harper, Harrington, R. Johnson, Kadas, Larson, Menahan, Peck, Ream, Schwinden.

Total 12

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: Ahner, Grinde, Murdock, Orr, Somerville.

Total 5

Representative Somerville moved HB 2, Section D, second reading copy, be further amended as follows (amendment #9):

1. Page D-3, line 7.

Strike: "1,009,884"

"605,348"

Insert: " 819,454"

"453,868"

Amendment #9 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, R. Johnson, Kadas, Larson, Menahan, Pavlovich, Peck, Quilici, Raney, Schwinden, Shea, Swanson.

Total 21

Voted Absentee: Harper, No.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

Representative Kadas moved HB 2, Section D, second reading copy, be further amended (amendment #10).  
Amendment #10 failed as follows:

Ayes: Ahner, Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Grimes, Holland, McCann, Sliter, Stovall.

Total 6

Representative Boharski moved HB 2, Section D, second reading copy, be further amended (amendment #11).  
Amendment #11 failed as follows:

Ayes: Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Cocchiarella, DeBruycker, Grady, Green, Herron, Jore, Kadas, Kasten, Keenan, McGee, Mills, Molnar, Peck, Raney, Ream, Rehbein, Sliter, S. Smith, Somerville, Story, Taylor, Vick, Wagner, Wells.

Total 29

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Carey, Clark, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Voted Absentee: Harper, No.

Excused: None.

Total 0



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Absent or not voting: Hayne.

Total 1

Representative Vick moved HB 2, Section D, second reading copy, be further amended as follows (amendment #12):

1. Page D-2, line 22. (Narr. D-14)

Strike: "478,655	1,834,066	462,089	1,771,745"
Insert: "448,190	1,718,076	439,535,	1,684,594"

LFA will adjust totals.

This amendment eliminates 3.0 FTE and \$53,019 general fund and \$203,141 state special revenue in the Gambling Control Division in the Department of Justice. The 6.0 FTE would have been used to keep abreast of the backlog of field audits and frequency of machine inspections, and process and identify compliance problems related to quarterly reports.

Amendment #12 passed as follows:

Ayes: Ahner, Anderson, Barnett, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Arnott, Barnhart, Bergman, Bergsagel, Carey, Cobb, Ellingson, Elliott, Ewer, Fisher, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, McCann, McCulloch, McKee, Peck, Ream, Schwinden, Simon, Soft, Squires, Swanson, Tuss, Wennemar.

Total 30

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: Trexler.

Total 1

Representative Jore moved HB 2, Section D, second reading copy, be further amended (amendment #13).  
Amendment #13 failed as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Larson, Marshall, McGee, Mills, Molnar, Murdock, Orr, Rehbein, Simpkins, Sliter, S. Smith, Story, Stovall, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 42

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Noes: Ahner, Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Fisher, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Martinez, Masolo, McCann, McKee, Menahan, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Soft, Somerville, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 54

Voted Absentee: Harper, No.

Excused: None.  
Total 0

Absent or not voting: Arnott, Ewer, McCulloch, L. Smith.  
Total 4

Representative Fisher moved debate on Section D closed at this time. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 70

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kadas, Keenan, Kitzenberg, Kottel, Larson, McCulloch, Pavlovich, Peck, Raney, Ryan, Schwinden, Squires, Tuss, Wennemar, Wyatt.  
Total 28

Voted Absentee: Harper, No.

Excused: None.  
Total 0

Absent or not voting: Arnott, Ream.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted. Report adopted. (76-13)

Representative Grinde moved the House recess until 12:15 p.m. Motion carried.

House recessed at 11:40 a.m.

House reconvened at 12:25 p.m. Mr. Speaker in the Chair.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/16/95

Signed by the Speaker at 10:48 a.m., 3/16/95: HB 165, HB 185.

APPROPRIATIONS (Zook, Chairman):

3/14/95

HB 268, introduced bill, be amended as follows:

1. Page 6, line 29.

Strike: "OR"

Insert: "and"

2. Page 7, line 1.

Strike: "REPORTED"

Following: "COMPENSATION"

Insert: "reported for fiscal years 1993, 1994, and 1995"

3. Page 7, line 2.

Strike: "3 YEARS OF"

4. Page 7, lines 9 through 11.

Strike: "AND" on line 9 through "(1)(B)" on line 10

Following: line 10

Strike: "TWO THIRDS OF THE AMOUNT AVAILABLE UNDER SUBSECTION (1)" on line 11

Insert: "in the member's calculation of benefits two-thirds of the actuarial value of the summer compensation available under the provisions of subsection (1) or may elect to include in the member's average final compensation two-thirds of the summer compensation available under the provisions of subsection (1)"

5. Page 7, lines 12 through 14.

Strike: "AND" on line 12 through "SUBSECTION (1)" on line 14

Insert: "may elect to include in the member's calculation of benefits one-third of the actuarial value of the summer compensation available under the provisions of subsection (1) or may elect to include in the member's average final compensation one-third of the summer compensation available under the provisions of subsection (1)"

6. Page 17, line 24.

Strike: "15.86%"

Insert: "16.21%"

7. Page 17, line 25.

Strike: "15.81%"

Insert: "16.06%"

8. Page 18, line 2.

Strike: "14.41%"

Insert: "14.51%"

9. Page 18, lines 15 and 21.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Strike: "11.75%"

Insert: "12.25%"

10. Page 18, line 18.

Strike: "9.05%"

Insert: "9.55%"

11. Page 18, line 19.

Strike: "10.25%"

Insert: "10.75%"

12. Page 25, line 1.

Following: "means"

Insert: ", except as provided in [section 7],"

13. Page 32, lines 25 and 26.

Strike: "[SECTION 7 OF THIS ACT] AND"

14. Page 34.

Following: line 1

Insert: "(5) If House Bill No. 306 is passed and approved and if it provides a coordination instruction with [this act], then [section 8] of House Bill No. 306, providing the coordination instruction with [this act], is void."

Renumber: subsequent subsections

15. Page 34, line 23.

Strike: "17.95%"

Insert: "18.3%"

16. Page 34, line 24.

Strike: "17.9%"

Insert: "18.15%"

And, as amended, do pass. Report adopted.

**HB 6**, introduced bill, be amended as follows:

3/16/95

1. Page 2, line 8.

Following: "County"

Strike: "\$15,908"

Insert: "\$31,743"

2. Page 2, line 12.

Following: "of"

Strike: "50,000"

Insert: "100,000"

3. Page 2, lines 16 and 17.

Strike: lines 16 and 17 in their entirety.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

4. Page 3, lines 6 through 9.

Strike: lines 6 through 9 in their entirety.

5. Page 3, line 10.

Following: "Government"

Strike: "50,000"

Insert: "100,000"

6. Page 3, lines 14 and 15.

Strike: lines 14 and 15 in their entirety.

7. Page 3, line 16.

Following: "Counties\*"

Strike: "27,892"

Insert: "50,000"

8. Page 3, lines 20 and 21.

Strike: lines 20 and 21 in their entirety.

9. Page 3, lines 24 through 29.

Strike: lines 24 through 29 in their entirety.

10. Page 4, line 2.

Following: "of"

Strike: "50,000"

Insert: "100,000"

11. Page 4, line 4.

Following: "District"

Strike: "56,886"

Insert: "25,000"

12. Page 4, line 8.

Following: "District\*"

Strike: "86,120"

Insert: "64,740"

13. Page 4, line 10.

Following: "District"

Strike: "27,500"

Insert: "25,000"

14. Page 4, line 14.

Following: "District"

Strike: "4,800"

Insert: "15,000"

15. Page 4, following line 15.

Insert: "Department of Natural Resources and Conservation"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Water Resources Division  
(Fort Peck Rural Water District) 30,000

Department of Natural Resources and Conservation  
(North Central Regional Pipeline) 30,000"

And, as amended, do pass. Report adopted.

**HB 7**, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "Project"

Strike: "100,000"

Insert: "75,000"

2. Page 2, line 17.

Following: "Reclamation"

Strike: "150,000"

Insert: "100,000"

3. Page 2, lines 24 and 25.

Strike: lines 24 and 25 in their entirety.

Insert: "MONTANA STATE UNIVERSITY EXTENSION SERVICE\*  
Pollution Prevention Program 59,625"

4. Page 2, following line 26.

Strike: lines 27 and 28 in their entirety

Insert: "Water Quality Demonstration and Reclamation,  
Red River Drainage 150,000"

5. Page 3, lines 3 and 4.

Strike: lines 3 and 4 in their entirety.

6. Page 3, lines 8 through 17.

Strike: lines 8 through 17 in their entirety.

And, as amended, do pass. Report adopted.

**HB 17**, introduced bill, be amended as follows:

1. Title, line 7.

Following: line 6

Insert: "PROVIDING PAY ADJUSTMENTS FOR JUDGES AND ELECTED STATE OFFICIALS; PROVIDING  
EXPENSE PAYMENT ADJUSTMENTS FOR LEGISLATORS; PROVIDING THAT THE SALARY  
FOR THE POSITION IN THE DEPARTMENT OF JUSTICE OF TRAINING COORDINATOR FOR  
COUNTY ATTORNEYS IS THE SAME AS THAT ESTABLISHED FOR A FULL-TIME COUNTY  
ATTORNEY IN A COUNTY WITH A POPULATION IN EXCESS OF 30,000;"



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

2. Title, line 10.

Following: "ADJUSTMENTS;"

Insert: "PROVIDING PAY ADJUSTMENTS FOR MEMBERS OF THE STATE TAX APPEAL BOARD;"

Following: "SECTIONS"

Insert: "2-16-405,"

Following: "2-18-101,"

Insert: "2-18-103,"

3. Title, line 11.

Strike: "AND"

Following: "2-18-703,"

Insert: "3-2-104, 3-5-211, 5-2-301, 15-2-102, 19-5-101, AND 44-4-101,"

4. Title, line 12.

Strike: "SECTION"

Insert: "SECTIONS 2-16-404 AND"

Following: "DATES"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

5. Page 1, line 15.

Insert: "Section 6. Section 2-16-405, MCA, is amended to read:

"2-16-405. Salaries of certain elected state officials. (1) The Subject to subsection (2), the salaries paid to certain elected officials of the state of Montana for fiscal year 1992 and following years are:

<del>_____</del>	<del>Fiscal Year</del>	<del>_____</del>	<del>Following</del>
	<del>1992</del>	<del>June 30, 1992</del>	
(a) Governor:	\$54,254		
(i) \$55,502;			
(ii) \$57,084 beginning July 1, 1995;			
(iii) \$59,310 beginning January 1, 1996.			
(b) Lieutenant governor:	\$39,218		
(i) \$40,466;			
(ii) \$41,619 beginning July 1, 1995;			
(iii) \$43,242 beginning January 1, 1996.			
(c) Attorney general:	\$49,593		
(i) \$50,841;			
(ii) \$52,290 beginning July 1, 1995;			
(iii) \$54,329 beginning January 1, 1996.			
(d) State auditor:	\$36,278		
(i) \$37,526;			
(ii) \$38,595 beginning July 1, 1995;			
(iii) \$40,101 beginning January 1, 1996.			
(e) Superintendent of public instruction:	\$42,929		
(i) \$44,177;			
(ii) \$45,436 beginning July 1, 1995;			
(iii) \$47,208 beginning January 1, 1996.			
(f) Public service commission <del>chairman</del> presiding officer:	\$40,502		
(i) \$41,750;			
(ii) \$42,940 beginning July 1, 1995;			

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

- (iii) \$44,615 beginning January 1, 1996.
- (g) Public service commissioners, other than ~~chairman~~ presiding officer: \$39,218
- (i) \$40,466;
- (ii) \$41,619 beginning July 1, 1995;
- (iii) \$43,242 beginning January 1, 1996.
- (h) Secretary of state: \$36,278
- (i) \$37,526;
- (ii) \$38,595 beginning July 1, 1995;
- (iii) \$40,101 beginning January 1, 1996.
- (i) Clerk of the supreme court: \$35,289
- (i) \$36,537;
- (ii) \$37,578 beginning July 1, 1995;
- (iii) \$39,044 beginning January 1, 1996.

(2) Prior to June 30, 1996, and prior to June 30 of each even-numbered year thereafter, the department of administration shall conduct a salary survey of executive branch officials similar to the Montana officials listed in subsection (1) for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the salary for the Montana official in determining the average salary for the similar position. If the average salary is greater than the salary for the similar position in Montana, then beginning July 1, 1997, the average is the new salary for that position. In each year following the year in which a survey is conducted, the average salary is the new salary for the position."

Renumber: subsequent sections

7. Page 3, line 11.

Insert: "Section 3. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- (10) teachers under the authority of the department of corrections and human services or family services;
- (11) investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;
- (12) four professional staff positions under the board of oil and gas conservation;
- (13) assistant director for security of the Montana state lottery;
- (14) executive director and senior investment officer of the Montana board of science and technology development;
- (15) executive director and employees of the state compensation insurance fund;
- (16) state racing stewards employed by the executive secretary of the Montana board of horse racing;
- (17) executive director of the Montana wheat and barley committee; and

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

- (18) commissioner of banking and financial institutions; and  
(19) training coordinator for county attorneys. ""

Renumber: subsequent sections

8. Page 5, line 12.

Strike: "Years"

Insert: "Grade"

Strike: "Grade"

Insert: "Years"

9. Page 5, line 27.

Strike: "0.882"

Insert: "0.860"

Strike: "0.904"

Insert: "0.882"

Strike: "0.903"

Insert: "0.904"

10. Page 6, line 3.

Strike: "0.999"

Insert: "1.000"

11. Page 7, line 11.

Following: "~~1993~~"

Insert: "on July 1, 1995,"

12. Page 7, line 12.

Strike: "determined" through "experience"

Insert: "the same as it was on June 30, 1995"

13. Page 7, line 18.

Following: line 17

Insert: "(iii) On the first day of the first pay period that includes October 1 of each fiscal year, a teacher employed under the authority of the department of family services prior to October 1, 1994, shall advance one step on the appropriate pay schedule adopted in 2-18-313. A teacher hired after October 1, 1994, shall advance on the teacher's actual anniversary date.

(iv) On the first day of the first full pay period during the month that includes the teacher's anniversary date, a teacher employed under the authority of the department of corrections and human services shall advance one step on the appropriate pay schedule adopted in 2-18-313.

(v) On the first day of the first pay period that includes October 1 of each fiscal year, a teacher employed by the Montana school for the deaf and blind shall advance one step on the teacher pay matrix used by the school."

14. Page 12, line 27.

Strike: "from July 1,"

Insert: "that includes October 1,"

15. Page 13, lines 16 through 28.

Strike: lines 16 through 28 in their entirety

Insert: "



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

1	23,150	23,763	24,393	25,040	25,703	26,384
2	23,752	24,381	25,027	25,691	26,371	27,070
3	24,369	25,015	25,678	26,359	27,057	27,774
4	25,003	25,666	26,346	27,044	27,761	28,496
5	25,653	26,333	27,031	27,747	28,482	29,237
6	26,320	27,018	27,734	28,469	29,223	29,997
7	27,004	27,720	28,455	29,209	29,983	30,777
8	27,707	28,441	29,194	29,968	30,762	31,577
9	28,427	29,180	29,954	30,747	31,562	32,398
10	29,166	29,939	30,732	31,547	32,383	33,241
11	29,924	30,717	31,531	32,367	33,225	34,105
12	30,702	31,516	32,351	33,208	34,088	34,992"

16. Page 15, lines 7 through 19.

Strike: lines 7 through 19 in their entirety

Insert: "

1	23,642	24,351	25,082	25,834	26,609	27,407
2	24,351	25,082	25,834	26,609	27,407	28,230
3	25,082	25,834	26,609	27,407	28,230	29,077
4	25,834	26,609	27,407	28,230	29,077	29,949
5	26,609	27,407	28,230	29,077	29,949	30,847
6	27,407	28,230	29,077	29,949	30,847	31,773
7	28,230	29,077	29,949	30,847	31,773	32,726
8	29,077	29,949	30,847	31,773	32,726	33,708
9	29,949	30,847	31,773	32,726	33,708	34,719
10	30,847	31,773	32,726	33,708	34,719	35,761
11	31,773	32,726	33,708	34,719	35,761	36,833
12	32,726	33,708	34,719	35,761	36,833	37,938"

17. Page 21, line 30.

Insert: "Section 13. Section 3-2-104, MCA, is amended to read:

"3-2-104. Salaries -- expenses. (1) The salaries of justices of the supreme court are provided for in 2-16-404 [section 16].

(2) Actual and necessary travel expenses of the justices of the supreme court shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."

Section 14. Section 3-5-211, MCA, is amended to read:

"3-5-211. Salaries and expenses of district judges. (1) ~~The~~ Subject to subsection (2), the annual salary of each district judge is as follows:

(a) ~~\$57,178 beginning July 1, 1991;~~

(b) ~~\$59,178 beginning January 1, 1992;~~

(c) ~~\$61,178 beginning July 1, 1992;~~

(d) ~~\$63,178 beginning January 1, 1993, and each fiscal year thereafter;~~

(b) \$64,979 beginning July 1, 1995;

(c) \$67,513 beginning January 1, 1996.

(2) Prior to June 30, 1996, and prior to June 30 of each even-numbered year thereafter, the department of administration shall conduct a salary survey of judges of courts of general jurisdiction similar to the Montana district courts for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the salary for a Montana district court judge in determining the average salary. If the average salary is greater than

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

the salary for a district court judge in Montana, then beginning July 1, 1997, the average is the new salary for that position. In each year following the year in which a survey is conducted, the average salary is the new salary for the position. A district court judge's salary may not be reduced.

~~(2)(3)~~ Actual and necessary expenses for each district judge shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of his official duties."

Section 15. Section 5-2-301, MCA, is amended to read:

"5-2-301. Compensation and expenses for members while in session. (1) Except as provided in subsection ~~(7)(8)~~, legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 8 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house shall receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) ~~Legislators~~ Subject to subsection (4), legislators are entitled to \$50 a day, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments shall stop when the legislature recesses for more than 3 days and shall resume when the legislature reconvenes.

(4) After November 15, 1996, and prior to December 15, 1996, and prior to December 15 of each even-numbered year thereafter, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance for Montana legislators in determining the average daily rate for legislators. If the average daily rate is greater than the daily rate for legislators in Montana, the average is the new daily rate for legislators for those days during which the legislature is in session. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

~~(4)(5)~~ Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

~~(5)(6)~~ In addition to the mileage allowance provided for in subsection ~~(4)(5)~~, legislators, upon submittal of an appropriate claim for such mileage reimbursement to the office of the legislative council, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) such additional round trips as are authorized by the legislature during special session.

~~(6)(7)~~ Legislators are not entitled to any additional mileage allowance under subsection ~~(4)(5)~~ for a special session if it is convened within 7 days of a regular session.

~~(7)(8)~~ In lieu of the salary provided for in subsection (1) and the expense allowance provided for in subsection ~~(3)(4)~~, a legislator may receive remuneration for services performed during a legislative session. A legislator choosing to receive remuneration for services performed shall file a request to receive payment under this subsection with the accounting office of the legislative council. A legislator exercising the option to receive remuneration for services performed may not receive more remuneration than legislators paid pursuant to subsections (1) and ~~(3)(4)~~. Remuneration for services performed must be reduced \$50 a day when the legislature recesses for more than 3 days."

NEW SECTION. Section 16. Salaries of supreme court justices. (1) Subject to subsection (3), the salary of the chief justice of the supreme court is as follows:

(a) \$67,595 beginning July 1, 1995;

(b) \$70,231 beginning January 1, 1996.

(2) Subject to subsection (3), the salary of a justice of the supreme court is as follows:

(a) \$66,289 beginning July 1, 1995;

(b) \$68,874 beginning January 1, 1996.

(3) Prior to June 30, 1996, and prior to June 30 of each even-numbered year thereafter, the department of administration shall conduct a salary survey of justices and chief justices of the highest appellate courts similar to the Montana supreme court for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

shall include the salary for a Montana supreme court justice or the chief justice in determining the average salary for a justice and the average salary for the chief justice. If the average salaries are greater than the salaries for a supreme court justice or the chief justice in Montana, then beginning July 1, 1997, the average salaries are the new salaries for a supreme court justice or the chief justice. In each year following the year in which a survey is conducted, the average salary is the new salary for the position. A justice's salary or the chief justice's salary may not be reduced.

Section 17. Section 15-2-102, MCA, is amended to read:

"15-2-102. Qualification and compensation. (1) To be appointed a member of the state tax appeal board, a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person so appointed may hold any other state or any office under the government of the United States or under the government of any other state. ~~He~~ The person shall devote ~~his~~ the entire time to the duties of the office and shall not hold any other position of trust or profit or engage in any occupation or business interfering or inconsistent with ~~his~~ the person's duties. The state tax appeal board is transferred to the department of administration for administrative purposes only as is specified in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(2) ~~The member designated chairman as provided for in 15-2-103 shall receive a salary equivalent to that of an entry grade 17 salary, plus 5%. The remaining state~~ State tax appeal board members shall be paid a salary equivalent to that of an entry a grade 17 salary as provided in 2-18-312. State tax appeal board members must receive pay and pay adjustments consistent with those required by the legislature for classified state employees in 2-18-303 and 2-18-304. The member designated as presiding officer as provided for in 15-2-103 must have an additional 5% added to the salary. All members of the board shall receive travel expenses as provided for in 2-18-501 through 2-18-503, as amended, when away from the capital on official business."

Section 18. Section 19-5-101, MCA, is amended to read:

"19-5-101. Definitions. Unless a different meaning is plainly implied by the context, the following definitions apply in this chapter:

- (1) "Compensation" means remuneration as defined in ~~2-16-404~~ [section 16], 3-5-211, and 3-7-222 paid to a member.
- (2) "Current salary" means the current compensation for the office retired from.
- (3) "Involuntary retirement" means a retirement not for cause and before retirement age.
- (4) "Retired judge" means any judge or justice in receipt of a retirement benefit under this chapter."

Section 19. Section 44-4-101, MCA, is amended to read:

"44-4-101. Position established ~~-- salary~~. There is created within the department of justice the position of training coordinator for county attorneys. The position of training coordinator for county attorneys is an exempt position as provided in 2-18-103. The salary for this position is the same as that provided in 7-4-2503 for a county attorney in a county with a population in excess of 30,000."

Renumber: subsequent sections

18. Page 22, line 2.

Strike: "1 through 10"

Insert: "4 through 12"

19. Page 22, line 6.

Strike: "21,937" "19,740"

"57,203"

"50,750"

Insert: "51,284" "45,662"

"104,006"

"92,602"

20. Page 22, line 8.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Strike: "12,238" "31,432"  
Insert: "21,466" "55,772"

21. Page 22, line 10.

Strike: "17,643" "9,625" "62,278" "13,688"  
Insert: "30,879" "16,846" "99,067" "21,774"

22. Page 22, line 12.

Strike: "4,148" "10,660"  
Insert: "8,064" "20,591"

23. Page 22, line 14.

Strike: "4,947" "12,299"  
Insert: "12,416" "28,959"

24. Page 22, line 27.

Strike: "Section"  
Insert: "Sections 2-16-404 and"  
Strike: "is"  
Insert: "are"

25. Page 22, line 28.

Insert: "NEW SECTION. Section 22. Codification instruction. [Section 16] is intended to be codified as an integral part of Title 2, chapter 16, part 4, and the provisions of Title 2, chapter 16, part 4, apply to [section 16].

NEW SECTION. Section 23. Retroactive applicability. [Section 17] applies retroactively, within the meaning of 1-2-109, to a member of the state tax appeal board who was a member on December 31, 1994."

Renumber: subsequent sections

26. Page 22, line 29.

Strike: "10"  
Insert: "19, 22, and 23"

27. Page 23, line 1.

Strike: "11 and 12"  
Insert: "20 and 21"

And, as amended, do pass. Report adopted.

**HB 21**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "FEDERAL"  
Insert: "STATE"

2. Title, line 6.

Following: "PROGRAMS"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "; AMENDING SECTION 50-60-508, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 10.

Strike: "federal"

Insert: "state"

4. Page 1, line 11.

Strike: "established in 39-51-1301"

Insert: "provided for in 50-60-508"

5. Page 1, line 15.

Insert: "Section 2. Section 50-60-508, MCA, is amended to read:

"50-60-508. Permit fees. (1) The department of commerce shall establish permit fees in accordance with the Montana Administrative Procedure Act and, except as provided in subsection (3), the fees shall be deposited to the state special revenue fund of the department for use in the administration and enforcement of this part and the Montana state plumbing code.

(2) For the purpose of 50-60-505 through 50-60-513, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, and the like involved.

(3) For fiscal years 1996 and 1997, \$140,000 each year must be allocated to fund apprenticeship instruction programs pursuant to 39-6-103."

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1995.

NEW SECTION. Section 4. Termination date. [Section 2] terminates July 1, 1997."

This amendment provides funding for the \$140,000 state special revenue appropriation each fiscal year from the building codes state special revenue account administered by the Department of Commerce.

And, as amended, do pass. Report adopted.

**HB 509**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "FACILITIES;" on line 5

Strike: the remainder of line 5 through "PROVIDERS;" on line 6

2. Title, line 8.

Following: "FACILITIES"

Strike: "AND PROVIDERS"

Following: ";"

Insert: "ESTABLISHING FEES FOR APPLICATIONS FOR CERTIFICATES OF PUBLIC ADVANTAGE AND FOR REPORTS; PROVIDING A STATUTORY APPROPRIATION;"

3. Title, line 9.

Following: "SECTIONS"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "17-7-502,"

4. Page 1, lines 17 and 18.

Following: "facilities" on line 17

Strike: "and" on line 17 through "providers" on line 18

5. Page 1, line 20.

Strike: "and health care providers"

6. Page 1, line 22.

Strike: "and providers"

7. Page 1, line 23.

Strike: "and providers"

8. Page 1, line 28.

Strike: "(1)"

9. Page 2, lines 1 through 3.

Strike: subsection (2) in its entirety

10. Page 2, lines 14 and 15.

Following: "costs or"

Strike: "in" through "agreement"

Insert: "is likely to result in improved access to health care or higher quality health care without any undue increase in health care costs"

11. Page 2, line 17.

Following: "agreement."

Insert: "The parties to a void agreement may submit a new application for a certificate based upon a cooperative agreement, merger, or consolidation different from the original application."

12. Page 2, line 19.

Following: "application"

Insert: "or within one 90-day extension, which may be granted by the authority upon a showing of good cause by the applicants. If the authority does not issue a certificate within that time, the application is considered to have been denied"

13. Page 2.

Following line 21.

Insert: "(4) Any amendment to a cooperative, merger, or consolidation agreement and any material change in the operations or conduct of any party to a cooperative, merger, or consolidation agreement is considered to be a new agreement and may not take effect or occur until the authority has issued a new certificate of public advantage approving the amendment or change."

14. Page 2, line 29.

Strike: "Upon request by the authority, the"

Insert: "The"



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

15. Page 3, line 2.

Following: "certificate"

Strike: "or"

Insert: ", "

Following: "conditions"

Insert: ", or to enjoin any material violation of or deviation from the terms of the cooperative, merger, or consolidation agreement submitted to and approved by the authority"

16. Page 3, line 6.

Insert: "

NEW SECTION. Section 6. Reports. If the authority issues a certificate of public advantage, the facilities to whom the certificate has been issued shall submit a report to the authority evaluating whether the cooperative, merger, or consolidation agreement submitted to and approved by the authority has been complied with during the preceding year and, if applicable, evaluating whether any terms and conditions imposed by the authority when it issued the certificate have been met or otherwise satisfied during the preceding year. The report must be submitted annually or more frequently if required by the authority. The authority shall in turn issue findings as to whether the terms and conditions are being met or otherwise satisfied. The authority shall keep copies of all reports and findings based on the reports.

NEW SECTION. Section 7. Fees -- statutory appropriation. (1) The authority shall establish by rule fees to accompany the filing of an application for a certificate of public advantage and for a report required by [section 6]. The fees must be reasonably related to the costs of the authority in considering applications, evaluating reports, and performing other duties necessary to administer this part. The costs may include the retention of accounting, technical, and legal assistance that the authority considers necessary to process applications and reports. The authority shall maintain records sufficient to support the fees charged under this section.

(2) The fees must be deposited in an account in the special revenue fund. The account is statutorily appropriated, as provided in 17-7-502, to the authority.

Section 8. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; [section 7]; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates July 1, 1995.) ""

Renumber: subsequent sections

17. Page 3, line 7.

Strike: "[Section 5] is"

Insert: "[Sections 5 through 7] are"

18. Page 3, line 9.

Strike: "[section 5]"

Insert: "[sections 5 through 7]"

19. Page 3, line 10.

Insert: "

NEW SECTION. Section 10. Coordination instruction. If House Bill No. 511 is passed and approved and if it amends 50-4-601, 50-4-603, 50-4-604, 50-4-609, 50-4-610, and 50-4-611 to transfer the responsibility for the certificates of public advantage to the department of justice, then any references to the Montana health care authority in this bill and in any new sections codified into Title 50, chapter 4, part 6, must be changed to a reference to the department of justice."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

3/15/95

SB 310, be concurred in. Report adopted.

SB 401, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/16/95

SB 252, be amended as follows:

1. Title, line 6.

Strike: "THE EXTENT"

Insert: "75 PERCENT"

2. Title, line 7.

Following: "PROPERTY"

Insert: "BOUNDARY"

3. Page 5, line 27.

Following: "GRADIENT"

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "75% of the distance from the discharge source"

And, as amended, be concurred in. Report adopted.

SB 373, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Cobb explained Section B of HB 2.

Representative Tropila assumed the Chair at this time.

Representative Pavlovich resumed the Chair at this time.

Representative Kadas moved HB 2, Section B, second reading copy, be amended as follows (amendment #1):

1. Page B-7, following line 7.

Insert: "If Senate Bill No. 345 is passed and approved, the department shall solicit proposals to establish a local structure to administer and coordinate human services programs. To the extent feasible and permitted by federal law, the proposal must include administration of all of the programs transferred to the department of public health and human services. The department shall accept one or more proposals as a demonstration project, with an anticipated beginning date of July 1, 1996. Funding for the demonstration project must be taken from appropriations authorized in [this act]. If Senate Bill No. 345 is passed and approved, the department shall create an advisory committee to assist in the preparation of a report to the 55th legislature on the feasibility of expanding the demonstration proposal to establish local administration and coordination of human services programs. The report must contain a preliminary evaluation of the demonstration project described above."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtis, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Rehbein, S. Smith.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 2

Excused: Harper.

Total 1

Absent or not voting: Tuss.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #2):

1. Page B-8, line 10.

Following: "Offenders"

Insert: "(Restricted)"

This amendment requires that the appropriation for juvenile sex offender programs and secure care for female offenders be maintained and tracked as a separate appropriation in the Department of Family Services. The appropriation must be restricted in order to implement language requiring the funds to be spent for juvenile sex offender programs and secure care for juvenile female offenders and no other purpose.

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Kadas.

Total 1

Excused: Harper.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #3):

1. Page B-7, following line 3.

Insert: "If Senate Bill No. 236 is passed and approved and if the department collects estate recoveries and other savings because of Senate Bill No. 236 in excess of \$600,000 in fiscal year 1996 or \$600,000 in fiscal year 1997, up to \$1 million of general fund money and matching federal funds of those excess savings are appropriated each year for independent living and community-based medicaid services."

LFA will amend the totals.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

This amendment appropriates up to \$1.0 million general fund and matching federal funds in SRS each year for expansion of home and community-based services, if savings due to SB 236 (medicaid estate recoveries) are in excess of estimates included in the Executive Budget and adopted by the legislature.

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, H.S. Hanson, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Boharski, Ellingson, Grady, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hayne, Heavy Runner, R. Johnson, Jore, Raney, Rehbein, Vick, Wyatt.

Total 17

Excused: Harper.

Total 1

Absent or not voting: Pavlovich.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #4):

1. Page B-7, lines 18 and 19.

Following: "No less than"

Strike: The remainder of line 18 through line 19.

Insert: "\$375,429 of general fund money and \$215,954 of federal special revenue in fiscal year 1996 and \$758,100 of general fund money and \$433,751 of federal special revenue in fiscal year 1997 must be granted with no specific expense allocation, and the remainder of the rate increase must be allocated to salaries for the lowest-wage, direct-care line workers."

This amendment changes language regarding distribution of provider rate increases for developmental disabilities providers to retain the original intent of the Subcommittee on Human Services and Aging. The subcommittee intended that any amount of rate increase above a 1.5% rate increase would be allocated to raising the wages of the lowest paid direct care workers. Current language in HB 2 is written to coincide with a rate increase of 4% which is the level approved by the subcommittee. House Appropriations reduced the rate increase to 3%, but did not change the language to retain the original intent of the subcommittee.

Amendment #4 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Harper.

Total 1

Absent or not voting: Kottel, Simon.

Total 2

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #5).  
Amendment # 5 failed as follows:

Ayes: Barnhart, Boharski, Carey, Cobb, DeBruycker, Feland, Galvin, Hagener, McGee, Molnar, Murdock, Pavlovich, Peck, Raney, Simpkins, S. Smith, Squires, Tash, Tuss.

Total 19

Noes: Ahner, Anderson, Arnott, Barnett, Bergsagel, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Orr, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Excused: Harper.

Total 1

Absent or not voting: Bergman, Grady, Hayne, Keenan, Simon.

Total 5

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #6):

1. Page B-13, line 4.

Following: "reimbursement"

Insert: "and to assist communities in implementing local health care services"

Amendment #6 passed as follows:

Ayes: Ahner, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Galvin, Grady, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, McGee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Wennemar, Wyatt, Zook.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 51

Noes: Anderson, Arnott, Barnett, Brainard, Clark, Curtiss, Devaney, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McKee, Mills, Nelson, Ohs, Orr, Rehbein, Rose, Simon, S. Smith, Somerville, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 44

Excused: Harper.

Total 1

Absent or not voting: Molnar, Sliter, Story, Tuss.

Total 4

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #7):

1. Page B-7, following line 1.

Insert: "The department may pay medicaid hospital services rate increases within the appropriation in item 6d and may pay for nursing home medicaid services rate increases within the appropriation in item 6e."

Amendment #7 passed as follows:

Ayes: Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Galvin, Green, Hagener, M. Hanson, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook.

Total 68

Noes: Ahner, Anderson, Barnhart, Denny, Devaney, Feland, Fisher, Forbes, Grady, Grinde, H.S. Hanson, Harrington, Hayne, Heavy Runner, Jore, Kasten, Keenan, Marshall, McKee, Mills, Sliter, Somerville, Tash, Wiseman, Mr. Speaker.

Total 25

Excused: Harper.

Total 1

Absent or not voting: Clark, Fuchs, Grimes, Holland, Rose, L. Smith.

Total 6

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #8):

1. Page B-8, line 19. (Narr. - B-71)  
Strike: "13,824,473" "14,383,496"  
Insert: "13,874,473" "14,433,496"

LFA will amend totals.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

This amendment adds \$50,000 general fund each year for in-home services for the elderly. The Department of Family Services administers the Montana Older Americans Act and contracts with area agencies on aging to deliver services such as meal on wheels, in-home services, and congregate meals.

Amendment #8 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Boharski, Grady, Green, M. Hanson, Herron, R. Johnson, Jore, Kasten, Knox, Molnar, Murdock, Rehbein, Sliter, S. Smith, Story, Taylor, Vick, Wagner.

Total 18

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #9).

Amendment #9 failed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, DeBruycker, Galvin, Green, Hagener, M. Hanson, Herron, Hurdle, Masolo, McGee, Mills, Ohs, Peck, Raney, Rehbein, Ryan, Simpkins, S. Smith, Somerville, Squires, Swanson, Trexler, Tropila, Tuss, Vick, Wells.

Total 33

Noes: Ahner, Anderson, Bergman, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, H.S. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, McCann, McCulloch, McKee, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Ream, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Story, Stovall, Tash, Taylor, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 63

Excused: Harper.

Total 1

Absent or not voting: Grinde, Larson, Menahan.

Total 3

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Representative Kadas moved HB 2, Section B, second reading copy, be further amended (amendment #10). Amendment #10 failed as follows:

Ayes: Ahner, Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 38

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Tropila resumed the Chair at this time.

Representative Hurdle moved HB 2, Section B, second reading copy, be further amended (amendment #11). Amendment #11 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Larson, McCulloch, Menahan, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 30

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Excused: Harper.

Total 1

Absent or not voting: Hayne, Pavlovich.

Total 2

Representative Martinez moved HB 2, Section B, second reading copy, be further amended as follows (amendment



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

#12);

1. Page B-3, line 20.

Strike: "14,214,373	1,389,581	35,981,460	14,018,403	2,535,905	36,893,510"
Insert: "13,510,142	1,320,790	34,198,935	13,321,920	2,410,336	35,061,468"

2. Page B-6, line 1.

Strike: "40.5%"

Insert: "38.5%"

This amendment reduces AFDC payments from 40.5 percent of poverty level to 38.5 percent of poverty level.

Amendment #12 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 41

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kasten moved HB 2, Section B, second reading copy, be further amended (amendment #13). Motion failed as follows:

Ayes: Anderson, Bergman, Boharski, DeBruycker, Denny, Green, Grinde, M. Hanson, Hayne, Jore, Kasten, Keenan, Knox, Mills, Molnar, Murdock, Rehbein, Sliter, Taylor, Vick, Wiseman.

Total 21

Noes: Ahner, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 79

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Pavlovich resumed the Chair at this time.

Representative Kasten moved HB 2, Section B, second reading copy, be further amended (amendment #14).  
Amendment #14 failed as follows:

Ayes: Boharski, DeBruycker, Ellis, Fuchs, Hayne, Jore, Kasten, Rehbein, S. Smith, Story, Vick, Wells.

Total 12

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kasten moved HB 2, Section B, second reading copy, be further amended (amendment #15).  
Amendment #15 failed as follows:

Ayes: Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grinde, Hayne, Herron, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, McGee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 49

Noes: Ahner, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Wennemar, Wyatt, Zook.  
Total 50

Voted Absentee: Harper, No.

Excused: None.  
Total 0

Absent or not voting: Grimes.  
Total 1

Representative Barnhart moved HB 2, Section B, second reading copy, be further amended (amendment #16).  
Amendment #16 failed as follows:

Ayes: Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 39

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 60

Voted Absentee: Harper, Aye.

Excused: None.  
Total 0

Absent or not voting: Ewer.  
Total 1

Representative Barnhart moved HB 2, Section B, second reading copy, be further amended (amendment #17).  
Amendment #17 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 42

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 58

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Molnar moved HB 2, Section B, second reading copy, be further amended (amendment #18).  
Amendment #18 failed as follows:

Ayes: Bergman, Brainard, Curtiss, DeBruycker, Denny, Feland, Green, Hagener, Kadas, Menahan, Molnar, Murdock, Ryan, Schwinden, S. Smith, Stovall, Trexler.

Total 17

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Excused: Harper.

Total 1

Absent or not voting: Cobb, Herron, Orr.

Total 3

Representative Carey moved HB 2, Section B, second reading copy, be further amended (amendment #19).  
Amendment #19 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, McKee, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Excused: Harper.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 1

Absent or not voting: Murdock.

Total 1

Representative Hurdle moved HB 2, Section B, second reading copy, be further amended (amendment #20).  
Amendment #20 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Fuchs, Galvin, Hagener, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Masolo, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Excused: Harper.

Total 1

Absent or not voting: Larson, Marshall.

Total 2

Representative R. Johnson moved HB 2, Section B, second reading copy, be further amended as follows (amendment #21):

1. Page B-8, line 17. (Narr. B-69 & B-72)

General Fund	State	Federal	General	State	Federal
Strike: "49,817	0	630	99,915	0	1,270"
Insert: "61,801	0	671	129,362	0	1,402"

2. Page B-9, line 4.

Strike: "126,002	0	46,304	254,360	0	93,302"
Insert: "119,753	12,167	49,435	250,667	24,516	103,235"

This amendment increases the foster care rate increase from a 1.3 percent increase to a 1.5 percent increase annually. The net general fund impact for the biennium is \$31,489.

Amendment #21 passed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 60

Noes: Anderson, Barnett, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Fuchs, Green, Grimes, Grinde, Hayne, Herron, Jore, Kasten, Keenan, Marshall, Martinez, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Sliter, S. Smith, Story, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 38

Excused: Harper.

Total 1

Absent or not voting: Grady.

Total 1

Representative Jore moved HB 2, Section B, second reading copy, be further amended as follows (amendment #22):

1. Page B-8, line 19. (Narr. B-74)

Strike: "13,824,473                      14,383,496"

Insert: "13,699,742                      14,258,765"

2. Page B-8.

Strike: lines 22 and 23 in their entirety

Renumber: subsequent subsections

3. Page B-10, line 19.

Strike: "4c"

Insert: "4b"

4. Page B-10, line 20.

Strike: "4d"

Insert: "4c"

5. Page B-10, line 25.

Strike: "4f" in two places

Insert: "4e" in two places

This amendment removes the federal "family preservation and support" new proposal. It also reduces the in-kind general fund match of \$249,462. '

Amendment #22 passed as follows:

Ayes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Kasten, Keenan, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 51



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Noes: Ahner, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar.

Total 47

Excused: Harper.

Total 1

Absent or not voting: Grady.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #23).

Representative Tropila resumed the Chair at this time.

Representative Boharski made a substitute motion to segregate section #1 from Amendment #23. Motion failed as follows: (27-72)

Representatives Marshall, Rose and Shea excused at this time.

Amendment #23 failed as follows:

Ayes: Anderson, Bergman, Bergsagel, Clark, Cobb, Feland, Fisher, H.S. Hanson, M. Hanson, Hayne, Hibbard, Jore, Kasten, Marshall, Masolo, McCann, McGee, Rehbein, Rose, Taylor, Wells.

Total 21

Noes: Ahner, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Green, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Martinez, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Voted Absentee: Marshall, Rose, Ayes; Harper, Shea, Noes.

Excused: None.

Total 0

Absent or not voting: Arnott, Fuchs, Grinde, Kitzenberg, Molnar, Tuss.

Total 6

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #24). Amendment #24 failed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, DeBruycker, Devaney, Ellis, Feland, Fuchs, Hagener, Hayne, Holland, Hurdle, R. Johnson, Larson, Marshall, Masolo, McCann, McGee, Murdock, Nelson, Raney, Rehbein, Rose, Ryan, Simpkins, S. Smith, Soft, Tash, Wells, Wennemar.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Total 35

Noes: Anderson, Barnett, Bergman, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Martinez, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Vick, Wagner, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Voted Absentee: Marshall, Rose, Ayes; Harper, Shea, Noes.

Excused: None.

Total 0

Absent or not voting: Heavy Runner, Kitzenberg, Tuss.

Total 3

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #25):

1. Page B-4, line 23.

Strike: "4,194,720" "7,399,011"

Insert: "1,913,554" "5,117,845"

2. Page B-7, line 4.

Following: "of"

Strike: "25.0" through "federal"

Insert: "168.94 FTE, \$2,693,666 in general fund money, and \$2,693,666 in federal"

3. Page B-7, line 7.

Following: "by"

Strike: "\$412,500" through "federal"

Insert: "168.94 FTE, \$2,693,666 in general fund money, and \$2,693,666 in federal"

4. Page B-9, following line 6.

Insert: "f. Community Impact Grants (Restricted)  
1,140,583 general fund fiscal 1997  
1,140,583 federal special revenue fiscal 1997

5. Page B-11, following line 1.

Insert: "Item 4f is contingent on passage and approval of Senate Bill No. 345. The department shall grant funds in item 4g to counties to fund programs for youth who are at risk of abuse and neglect or at risk of entering the juvenile justice system. The department shall develop an application process, including evaluation criteria, and distribute application materials by January 1, 1996, so that grants may be awarded beginning in fiscal year 1997. The application process must provide the department with a method or formula to award grants to counties with the most need and with the least resources."

6. Page B-11, following line 24.

Insert: "c. Local Public Health Care Providers (Restricted)

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

1,140,583	general fund fiscal 1997
1,140,583"	federal special revenue fiscal 1997

7. Page B-13, following line 4.

Insert: "Item 6c is contingent on passage and approval of Senate Bill No. 345. The department shall grant funds in item 6c to local public health care providers to establish or expand local public health care programs. The funds in item 6c may not be used to supplant local funds. The department shall develop an application process, including evaluation criteria, and distribute application materials by January 1, 1996, so that grants may be awarded beginning in fiscal year 1997. The application process must provide the department with a method or formula to award grants to counties with the most need and with the least resources."

LFA will amend the totals.

The legislature reduced the SRS budget by 25 FTE and \$412,500 general fund and \$412,500 federal funds in fiscal 1997 in anticipation of passage and approval of SB 345 (reorganization of human services and public health agencies). This amendment increases savings due to SB 345 by an additional 5 percent of total personal services costs and reallocates the savings to the Department of Family Services for grants to local communities to provide programs for difficult to serve children and to the Department of Health and Environmental Sciences for grants to local public health care. Reductions allocated to SRS increase by 143.94 FTE, \$2,281,166 general fund and \$2,281,166 federal funds in fiscal 1997, based on the average cost of and funding for an FTE included in the fiscal note. The savings are taken from the SRS budget, but language allows the executive branch to allocate the savings among programs in the new Department of Public Health and Human Services. If SB 345 is not passed and approved, the SRS appropriation is increased by the reductions taken in anticipation of passage of SB 345.

Amendment #25 carried as follows:

Ayes: Arnott, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, DeBruycker, Devaney, Elliott, Ellis, Feland, Forbes, Grimes, Grinde, Hagener, M. Hanson, Hayne, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Keenan, Larson, Marshall, Masolo, McCann, McGee, McKee, Menahan, Murdock, Nelson, Peck, Raney, Rehbein, Rose, Ryan, Simpkins, Sliter, S. Smith, Soft, Swanson, Tash, Taylor, Tropila, Vick, Wells, Wennemar.

Total 51

Noes: Ahner, Anderson, Barnett, Bergman, Carey, Clark, Cocchiarella, Denny, Ellingson, Fisher, Galvin, Grady, Green, Harrington, J. Johnson, Kadas, Kasten, Knox, Kottel, Martinez, McCulloch, Mills, Molnar, Ohs, Orr, Pavlovich, Quilici, Ream, Schwinden, Shea, Simon, L. Smith, Somerville, Squires, Story, Stovall, Trexler, Wagner, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 42

Voted Absentee: Marshall, Rose, Ayes; Shea, No.

Excused: Harper.

Total 1

Absent or not voting: Ewer, Fuchs, H.S. Hanson, Heavy Runner, Kitzenberg, Tuss.

Total 6

Representatives Heavy Runner, Ellingson, Galvin, Tuss and Wyatt excused at this time.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #26). Amendment #26 failed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Boharski, Bohlinger, Cobb, Cocchiarella, DeBruycker, Ewer, Feland, Fuchs, Galvin, Grady, Hagener, Harrington, Hurdle, R. Johnson, Jore, Kottel, Marshall, McCann, McGee, Menahan, Murdock, Nelson, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simpkins, L. Smith, Soft, Squires, Swanson, Wells.  
Total 39

Noes: Anderson, Barnett, Bergman, Brainard, Carey, Clark, Curtiss, Denny, Devaney, Elliott, Ellis, Fisher, Forbes, Green, Grimes, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, Kadas, Kasten, Keenan, Knox, Larson, Martinez, McCulloch, McKee, Mills, Molnar, Ohs, Orr, Pavlovich, Ream, Schwinden, Simon, Sliter, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 52

Voted Absentee: Bohlinger, Galvin, Marshall, Rose, Shea, Ayes.

Excused: Ellingson, Harper, Heavy Runner, Tuss, Wyatt.  
Total 5

Absent or not voting: Grinde, H.S. Hanson, Kitzenberg, Masolo.  
Total 4

Representative Molnar moved HB 2, Section B, second reading copy, be further amended as follows (amendment #27):

1. Page B-9, following line 23. (Narr. B-68)

Insert: "At least \$25,000 of the appropriation in item 1 must be used to contract with the office of the legislative auditor to conduct or have conducted a study of the appropriateness, cost, and methods of placement of youth by juvenile probation officers, youth placement committees, and courts in Yellowstone County and other counties as the department considers appropriate. Upon completion, reports of the study must be provided to legislators from the affected counties and to the 1997 legislature."

This amendment requires the Department of Family Services to use at least \$25,000 of the existing appropriation for a study of the cost, appropriateness, and methods of placement of youth in the juvenile corrections system. Language is added directing the Department of Family Services to contract with the office of the legislative auditor to conduct the study or have the study conducted.

Amendment #27 passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 82

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Noes: Arnott, Barnhart, Elliott, Ewer, Fisher, R. Johnson, Schwinden.  
Total 7

Voted Absentee: Rose, Aye.

Excused: Bohlinger, Ellingson, Galvin, Harper, Heavy Runner, Marshall, Shea, Tuss, Wyatt.  
Total 9

Absent or not voting: Grady, Kitzenberg.  
Total 2

Representative Cobb moved debate on Section B be closed with the exception of the environmental sciences division of the Department of Health and Environmental Sciences at this time. Motion carried as follows: (90-2)

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (66-22)

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):** 3/16/95  
Correctly printed for second reading: HB 6, HB 7, HB 8, HB 17, HB 18, HB 19, HB 21, HB 90, HB 192, HB 209, HB 268, HB 293, HB 307, HB 349, HB 390, HB 416, HB 460, HB 497, HB 509, HB 512, HB 517, HB 535, HB 567.

**AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):** 3/15/95  
**SB 296**, be concurred in. Report adopted.

**SJR 17**, be concurred in. Report adopted.

**APPROPRIATIONS (Zook, Chairman):** 3/16/95  
**HB 8**, introduced bill, be amended as follows:

1. Page 1, lines 27 and 28.  
Strike: lines 27 and 28 in their entirety.

2. Page 1, line 30.  
Strike: "50,000"  
Insert: "\$50,000"

3. Page 2, lines 1 and 2.  
Strike: lines 1 and 2 in their entirety.

4. Page 2, lines 9 through 18.  
Strike: lines 9 through 18 in their entirety.

5. Page 2, line 20.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Following: "Improvements"  
Strike: "50,000"  
Insert: "200,000"

6. Page 2, lines 21 and 22.  
Strike: lines 21 and 22 in their entirety.

7. Page 2, lines 25 and 26.  
Strike: lines 25 and 26 in their entirety.

8. Page 2, line 28.  
Following: "System"  
Strike: "50,000"  
Insert: "250,000"

9. Page 3, line 13.  
Following: "System"  
Strike: "\$295,000"  
Insert: "\$400,000"

10. Page 3.  
Following: line 13.  
Insert: "(4) GROUP D: Notwithstanding the provisions of [section 5], the interest rate for the project in this group is 4.5% or the rate at which the state bonds are sold, whichever is lower, for up to 20 years.

Loan Amount

MONTANA DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

Petrolia Dam Rehabilitation

\$358,000"

11. Page 5, line 14.  
Following: "Dam"  
Strike: "\$1,393,467"  
Insert: "\$1,035,467"

12. Page 5, line 28.  
Following: "exceed"  
Strike: "\$24,956,778"  
Insert: "\$24,710,852"

13. Page 5, line 28.  
Following: "which"  
Strike: "\$20,554,322"  
Insert: "\$20,513,207"

14. Page 5, line 29.  
Following: "2],"  
Strike: "\$2,133,658"  
Insert: "\$1,951,204"



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

15. Page 5, line 30.

Following: "up to"

Strike: "\$2,268,798"

Insert: "\$2,246,441"

And, as amended, do pass. Report adopted.

**HB 18**, introduced bill, do pass. Report adopted.

**HB 19**, introduced bill, do pass. Report adopted.

**HB 192**, introduced bill, do pass. Report adopted.

**HB 307**, introduced bill, be amended as follows:

1. Page 2, line 19.

Strike: "must"

And, as amended, do pass. Report adopted.

**HB 390**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "5"

Insert: "2"

2. Page 1, line 14.

Strike: "5%"

Insert: "2%"

And, as amended, do pass. Report adopted.

**HB 416**, introduced bill, be amended as follows:

1. Title, line 12.

Strike: "20-9-426,"

2. Page 8, lines 1 through 18.

Strike: section 8 in its entirety

Renumber: subsequent sections

3. Page 9, line 29.

Following: "appropriated"

Insert: "to the office of public instruction"

And, as amended, do pass. Report adopted.

**HB 460**, introduced bill, be amended as follows:

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

1. Title, line 9.

Strike: "OF \$50,000"

2. Page 3, line 11.

Strike: "13"

Insert: "11"

3. Page 3, line 13.

Following: "(b)"

Strike: "one member of the senate"

Insert: "two members of the senate, one from each political party"

4. Page 3, line 14.

Following: "(c)"

Strike: "one member of the house of representatives"

Insert: "two members of the house of representatives, one from each political party"

EXPLANATION: This amendment adds two additional legislators to the task force and requires balance between the political parties.

5. Page 3, line 16.

Strike: "The governor shall appoint the presiding officer of the task force."

Insert: "The presiding officer must be selected by a majority vote of the members of the committee."

EXPLANATION: The amendment changes the selection of the presiding officer from being chosen by the governor to be elected by the members of the task force.

6. Page 4, line 14.

Following: "(a)"

Strike: "\$50,000"

Insert: "\$20,000"

EXPLANATION: This amendment reduces the general fund appropriation for the task force from \$50,000 to \$20,000.

And, as amended, do pass. Report adopted.

**HB 512**, introduced bill, do pass. Report adopted.

**BUSINESS & LABOR** (Simon, Chairman):

3/16/95

**SB 187**, be amended as follows:

1. Title, line 8.

Following: "MACHINES;"

Insert: "REQUIRING THAT THE DEPARTMENT OF JUSTICE CONDUCT A STUDY OF ALTERNATIVE METHODS OF AUTOMATED ACCOUNTING AND REPORTING SYSTEMS;"

2. Page 1, line 28.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Following: "Section 1."

Strike: "Automated"

Insert: "Purpose -- study -- automated"

Following: "system."

Insert: "(1) The legislature intends to ensure a high degree of integrity in the conduct of the gaming industry to prevent fraudulent and deceptive practices by licensed operators, licensed machine owners, and vendors. Prior to implementing an automated accounting and reporting system under this part, the department of justice shall conduct a study to identify and examine alternatives for automated monitoring and regulation of Montana's video gaming industry. The study must involve participation by representatives from the video gaming industry as well as appropriate state regulatory agencies, to be appointed by the attorney general. The study must be completed and submitted to the attorney general by July 1, 1996. (2)"

3. Page 2, line 1.

Following: "machines."

Insert: "The system and replacement or additional items purchased in the future may not be purchased from a supplier who manufactures video gambling machines and does not both sell and lease the machines to licensed operators."

4. Page 3, line 25.

Following: "OWNER"

Insert: "who owns the machine on the date that the machine is connected to the system established under [section 1]"

5. Page 4, line 3.

Following: "1"

Strike: "and"

6. Page 4, line 4.

Strike: "operator"

Insert: "machine owner"

7. Page 4, line 6.

Following: "department"

Insert: "; and (v) the licensed machine owner has paid the total cost of the conversion"

8. Page 5, line 1.

Strike: "operator's"

Insert: "machine owner's"

9. Page 5, line 2.

Strike: "operator's"

Insert: "owner's"

10. Page 6, lines 15 through 17.

Strike: "allow" on line 15 through "system" on line 17

Insert: "provide that a licensed operator may download to a computer on the operator's premises or receive from the department information produced by machines on the operator's premises"

11. Page 6, line 20.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

Insert: "(3) If a previously approved machine is not capable of being made compatible with the automated accounting and reporting system, it may:

(a) be operated for 10 years beyond the date on which the system becomes operational, as determined by the department of justice, without being connected to the system, but it may be operated only on the premises on which it is located when the system becomes operational; or

(b) be possessed, located, operated, sold, or supplied in the manner and under the conditions provided for antique slot machines in 23-5-153."

And, as amended, be concurred in. Report adopted.

**SB 307**, be amended as follows:

1. Page 1, line 15.

Strike: "therapies"

Insert: "remedies"

Strike: "THERAPIES"

Insert: "remedies"

Strike: "REMAINS"

Insert: "is"

2. Page 2, line 5.

Insert: "(3) This chapter does not affect the practice of an occupation by an individual who does not represent to the public that the individual is licensed under this chapter."

And, as amended, be concurred in. Report adopted.

**SB 350**, be amended as follows:

1. Title, lines 5 and 6.

Strike: "AN OFFENSE INVOLVING THEFT FROM AN EMPLOYER"

Insert: "A POTENTIALLY HARMFUL OFFENSE"

2. Page 1, line 25.

Strike: "involving theft from"

Insert: "that would potentially be harmful to the safety or well-being of"

Following: "employer"

Insert: ", a fellow employee, or a customer of the employer"

And, as amended, be concurred in. Report adopted.

**SB 408**, be amended as follows:

1. Page 2, line 24.

Strike: "MORE"

Insert: "less"

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 16, 1995

HUMAN SERVICES & AGING (Grimes, Chairman):  
SB 158, be concurred in. Report adopted.

3/16/95

SB 209, be amended as follows:

1. Page 7.

Following: line 10

Insert: "(i) The individual is a homeless person.

(j) The individual is a victim of domestic violence."

And, as amended, be concurred in. Report adopted.

SB 223, be concurred in. Report adopted.

SB 236, be amended as follows:

1. Page 8, line 27.

Following: "property"

Insert: "in excess of \$5,000 in value"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative Hibbard moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

HB 2 - Representative Ahner moved she be allowed to change her vote on HB 2, Section B, Amendment # 35, second reading, from aye to nay. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Friday, March 17, 1995. Motion carried.

House adjourned at 6:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 17, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bill Tash. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/16/95

**HB 77**, introduced by Cocchiarella  
**HB 117**, introduced by Anderson  
**HB 169**, introduced by Orr  
**HB 215**, introduced by Cocchiarella  
**HB 245**, introduced by Ahner  
**HB 274**, introduced by Wagner  
**HB 329**, introduced by Heavy Runner  
**HB 408**, introduced by Sliter

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/16/95

**HB 184**, introduced by DeBruycker  
**HB 420**, introduced by Ewer

Adverse committee report adopted on House bill: 3/16/95

**HB 364**, introduced by Mills

House amendments to Senate bill concurred in: 3/16/95

**SB 150**, introduced by Waterman

Senate bill passed and transmitted to the House for concurrence:  
3/16/95

**SB 409**, introduced by Hargrove

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 598**, introduced by Hibbard, referred to Committee on Taxation.

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:05 a.m.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

House reconvened at 9:10 a.m. Mr. Speaker in the Chair.

Representative Harper excused at this time.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/17/95

Delivered to the Governor for his approval at 8:15 a.m., 3/17/95: HB 63, HB 113, HB 136, HB 142, HB 161, HB 179, HB 204, HB 208, HB 212, HB 278, HB 282, HB 321, HB 324, HB 331, HB 333, HB 334, HB 337, HB 455, HB 502.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 16, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 64 sponsored by Representative Ewer on March 16, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 16, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 144 sponsored by Representative Harrington on March 16, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 16, 1995

Dear Representative Mercer:

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Please be informed that I have signed House Bill 199 sponsored by Representatives Elliott et al. on March 16, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 16, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 231 sponsored by Representative Pavlovich on March 16, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HJR 28**, introduced by Swanson, referred to Committee on Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 409**, introduced by Hargrove, referred to Committee on Taxation.

**SPECIAL ORDERS OF THE DAY**

Speaker Mercer introduced Legislative Fiscal Analyst director Clayton Schenck who introduced the following staff:

Taryn Purdy  
Sandy Whitney  
Terri Perrigo  
Lisa Smith  
Lois Steinbeck  
Robert "Skip" Culver  
Mark Lee  
Nan LeFebvre  
Roger Lloyd  
Mary Longmaid  
Lorene Thorson  
Lisa Mader



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Terry W. Johnson

Speaker Mercer introduced Budget and Program Planning Director David M. Lewis who introduced the following staff:

Steve Bender  
Jane Hamman  
Curtis Nichols  
Shirley Benson  
Amy Carlson  
Dan Gengler  
Connie Huckins  
Mary LaFond  
John Patrick  
Doug Schmitz  
Florine Smith

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Peck moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative DeBruycker explained Section C of HB 2.

Representative Swanson moved HB 2, Section C, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Larson, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Story, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 37

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Absent or not voting: Kottel, Sliter.

Total 2

Representative Kitzenberg moved HB 2, Section C, second reading copy, be further amended as follows (amendment #2):

1. Page C-5, line 9.

Strike: "1,389,004"	"1,460,962"	General Fund, FY 1996 & 1997
---------------------	-------------	------------------------------

Insert: "1,620,598"	"1,692,556"	General Fund, FY 1996 & 1997
---------------------	-------------	------------------------------

This amendment adds \$231,594 general fund each year to the \$265,000 currently appropriated to the Department of State Lands for state equalization payments to the 20 counties where state lands are 6 percent or more of county acreage. The amendment brings the total appropriation each year to \$496,594 which is the amount required to be paid to counties by statutory formula for calendar 1994.

Amendment #2 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kitzenberg, Kottel, Larson, Martinez, McCann, McCulloch, McGee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 55

Noes: Anderson, Arnott, Boharski, Bohlinger, Cobb, Curtiss, Devaney, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Marshall, Masolo, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, S. Smith, Somerville, Stovall, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 42

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Clark, Denny, Simon.

Total 3

Representative Raney moved HB 2, Section C, second reading copy, be further amended as follows (amendment #3):

1. Page C-1, line 24.

Strike: "2,735,364"	"2,880,873"	"2,723,065"	"2,839,257"
---------------------	-------------	-------------	-------------

State special revenue & Federal; Fiscal years 1996 & 1997

Insert: "2,741,078"	"2,889,735"	"2,728,807"	"2,848,162"
---------------------	-------------	-------------	-------------

State special revenue & Federal; Fiscal years 1996 & 1997

This amendment eliminates part of the personal services reductions in the Fisheries Division of the Department of Fish, Wildlife and Parks for an increase of 0.50 FTE and \$14,576 (\$5,714 state special, \$8,862 federal) in fiscal

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

1996 and \$14,647 (\$5,742 state special, \$8,905 federal) in fiscal 1997. The 0.50 FTE is a biologist position in the Livingston area.

Amendment #3 passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bergman, Bergsagel, Boharski, Brainard, Curtiss, Denny, Fisher, M. Hanson, Herron, Jore, Kasten, Orr, Rehbein, S. Smith, Wagner, Wiseman.

Total 16

Excused: Harper.

Total 1

Absent or not voting: Ahner, Devaney, Hurdle, Keenan, McCann.

Total 5

Representative Raney moved HB 2, Section C, second reading copy, be further amended as follows (amendment #4):

1. Page C-2, following line 9.

Insert: "f. HB 349 -- Future Fisheries Improvement (Restricted)

100,000

100,000"

State special, Fiscal 1996 & 1997

2. Page C-5, following line 2.

Insert: "Item 3f is contingent on passage and approval of House Bill No. 349."

This amendment funds 2.00 FTE or contracted services in the Fisheries Division of the Department of Fish, Wildlife and Parks and associated operational expenses required by House Bill 349 for an increase of \$100,000 from the general license account each year. The appropriations are contingent on passage of House Bill 349.

Amendment #4 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wennemar, Mr. Speaker.

Total 71

Noes: Barnett, Bergman, Boharski, Brainard, Cobb, Cocchiarella, Curtiss, Denny, Feland, Fisher, Galvin, Hayne,



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

R. Johnson, Jore, Kasten, Keenan, Kottel, Mills, Nelson, Orr, Rehbein, Sliter, S. Smith, Somerville, Tuss, Wagner, Wiseman, Wyatt, Zook.

Total 29

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Menahan moved HB 2, Section C, second reading copy, be further amended as follows (amendment #5):

1. Page C-2, line 11. (Narr. C-12)

Strike: "4,836,299"

"4,867,028"

State special, fiscal 1996 & 1997

Insert: "4,986,299"

"5,017,028"

State special, fiscal 1996 & 1997

This amendment adds \$150,000 each year from the general license account to the operations budget of the Law Enforcement Division in the Department of Fish, Wildlife and Parks.

Amendment #5 passed as follows:

Ayes: Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook.

Total 71

Noes: Ahner, Anderson, Arnott, Boharski, Brainard, Denny, Devaney, Fisher, Fuchs, Jore, Kasten, Keenan, Martinez, Mills, Orr, Rehbein, Simon, Sliter, S. Smith, Somerville, Vick, Wagner, Wells.

Total 23

Excused: Harper.

Total 1

Absent or not voting: Curtiss, Forbes, Grinde, Ohs, Mr. Speaker.

Total 5

Representative Cobb moved HB 2, Section C, second reading copy, be further amended (amendment #6).  
Amendment #6 failed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Boharski, Bohlinger, Cobb, Curtiss, Devaney, Feland, Fisher, Fuchs, M. Hanson, Herron, Jore, Mills, Murdock, Orr, Peck, Rehbein, Sliter, S. Smith, Somerville, Trexler, Wagner.

Total 25

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Noes: Barnett, Bergman, Bergsagel, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Nelson, Ohs, Pavlovich, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Excused: Harper.

Total 1

Absent or not voting: Grady, Molnar, Raney, Stovall, Vick.

Total 5

Representative Cobb moved HB 2, Section C, second reading copy, be further amended (amendment #7).  
Amendment #7 failed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Boharski, Brainard, Cobb, Curtiss, Devaney, Feland, Fisher, Fuchs, Grady, Herron, Jore, Keenan, Kottel, McGee, Murdock, Ohs, Orr, Rehbein, L. Smith, S. Smith, Soft, Somerville, Trexler, Tuss, Vick, Wagner, Wells.

Total 31

Noes: Ahner, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Nelson, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Excused: Harper.

Total 1

Absent or not voting: Molnar, Peck.

Total 2

Representative Ewer moved HB 2, Section B, second reading copy, be further amended as follows (amendment #28):

1. Page B-11, line 10.

Strike: "1,743,059" "3,176,160" "1,995,299" "3,219,575"

Insert: "2,004,939" "3,438,040" "2,230,339" "3,454,615"

2. Page B-13, following line 4.

Insert: "Included in the air quality division funding is authority to add no more than 5.0 FTE in fiscal year 1996 and fiscal year 1997 to be funded with state special revenue funds. At least 3.0 FTE of the additional 5.0 FTE will perform permitting activities each year of the biennium."

Amendment #28 carried as follows:

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Brainard, Devaney, Hayne, Jore, Kasten, Rehbein, S. Smith.

Total 8

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative DeBruycker moved debate on the environmental section of Section B closed at this time. Motion carried as follows: (80-10)

Representative DeBruycker moved debate on Section C closed at this time. Motion carried as follows: (78-11)

Debate on Section B of HB 2 closed at this time.

Debate on Section C of HB 2 closed at this time.

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved that the Committee of the Whole report be adopted. Report adopted. (70-26)

Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 11:05 a.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair.

Mr. Speaker introduced this week's pages:

Shawn Andersen, Power  
Jenny Halvorson, Scobey  
Bree Brucki, Billings  
Breann Davis, Stevensville  
Koan Mercer, Whitefish  
Ross Morgan, Winifred  
Kelly Grinde, Billings (permanent page)



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Mac Brown, Butte (permanent page)

Honorary Pages

Caroling Koopman, Bozeman

Joan Williams, Butte

Tara Jensen, Conrad

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/17/95

Correctly enrolled: HB 77, HB 117, HB 169, HB 215, HB 245, HB 274, HB 329, HB 408.

Examined by the sponsor and found to be correct: HB 77, HB 117, HB 169, HB 215, HB 245, HB 274, HB 329, HB 408.

APPROPRIATIONS (Zook, Chairman):

3/17/95

**HB 5**, introduced bill, be amended as follows:

1. Title, line 7.

Following: line 6

Insert: "PROVIDING FOR AN ALLOWANCE FOR MAINTENANCE BASED UPON A PERCENTAGE OF CONSTRUCTION COST; REPEALING SECTION 23, CHAPTER 624, LAWS OF 1993;"

2. Page 1, lines 11 and 14.

Strike: "9"

Insert: "12"

3. Page 1, line 19.

Following: "appropriations."

Insert: "(1)"

4. Page 1, line 26.

Under: "LRBP"

Strike: "\$100,000"

Under: "Other Funding Sources"

Insert: "\$100,000

Proprietary"

5. Page 1, line 27.

Strike: "\$300,000"

Insert: "696,000"

6. Page 1, line 28.

Strike: "1,100,000"

Insert: "5,385,640"

7. Page 2, line 10.

Strike: "Swan River Correctional Training Center"

Insert: "Correctional Boot Camp"

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

8. Page 2, line 13.

Strike: line 13 in its entirety.

9. Page 2, line 17.

Strike: "Lodge Replacement"

Insert: "Campus"

10. Page 2, following line 18.

Insert: "Montana Youth Alternatives Program

Boulder

560,000"

11. Page 2, line 21.

Strike: "843,000"

Insert: "818,000"

12. Page 2, following line 21.

Insert: "25,000

220,000

State Special Revenue\*

Federal Special Revenue"

13. Page 2, line 24.

Strike: "300,000"

Insert: "275,000"

14. Page 2, following line 24.

Insert: "25,000

State Special Revenue\*\*"

15. Page 3, line 4.

Strike: line 4 in its entirety.

16. Page 3, line 8.

Strike: "200,000"

Insert: "150,000"

17. Page 3, following line 8.

Insert: "50,000

State Special Revenue\*\*"

18. Page 3, lines 18 and 19.

Strike: lines 18 and 19 in their entirety.

19. Page 3, line 26.

Strike: "12,009,800"

Insert: "14,009,800"

20. Page 4, line 4.

Following: "Construct"

Insert: "or Purchase"

21. Page 4, line 13.

Strike: "200,000"

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Insert: "75,000"

22. Page 4, line 23.

Strike: "2,200,000"

Insert: "2,080,000"

23. Page 4, lines 26 and 27.

Strike: lines 26 and 27 in their entirety.

24. Page 4, line 29.

Strike: "11,375,946"

Insert: "560,000"

25. Page 4, following line 30.

Insert: "Bioscience Facility        10,815,946        Federal Special Revenue"

26. Page 5, line 2.

Strike: "6,450,000"

Insert: "450,000"

27. Page 5, line 7.

Insert: "(2) For the capitol restoration project, the department of administration is authorized to expend private donations, up to \$5,385,640, for historic restoration projects and any Montana power company funding for approved energy retrofitting projects. If additional federal special revenue from CTEP funds becomes available, the department of administration is authorized to use those funds for capitol restoration projects. If CTEP funds are used for infrastructure projects, a matching amount of bonding authority in House Bill No. 15 may be used for historic restoration projects in order to reduce the spending authority for private donations. If any federal or bonded funding authorized for the restoration of the capitol building infrastructure is not needed because of a reduction in costs of the approved project, funding may be used for historic restoration projects.

(3) The funding provided to the projects in this section and identified by an asterisk (\*) represents lodging facilities use tax that is allocated to the department of fish, wildlife, and parks and that is statutorily appropriated under 15-65-121 for maintenance of facilities in state parks. It is not intended for the project to be reduced by this amount.

(4) It is the intent of the long-range planning subcommittee that the \$625,000 appropriated for the Spring Meadow wildlife rehabilitation and education center project be used to transfer the animal shelter from its existing location to the Spring Meadow complex upon an agreement between the department of fish, wildlife, and parks and the donor group for the transfer of the Spring Meadow property and for the planning of additional phases of the project. It is not the intent of the subcommittee to encumber any future legislature with regard to additional phases of the project. The project approved in [this act] is to be a stand-alone project."

28. Page 5, line 28.

Strike: "\$250,000"

Insert: "\$264,000"

29. Page 6, following line 1.

Insert: "(3) Funds appropriated for the South Sandstone dam are contingent upon the department of fish, wildlife, and parks disposing of its ownership and liability responsibility of the property on which the South



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Sandstone dam is located. The transfer of ownership should include continued public recreational access. The department is authorized to make the repairs or may pass the funds through to the new owner to reimburse project expenses. If funds remain after completion of the project, the department is authorized to establish an operations and maintenance account for the project."

30. Page 6, line 8.

Strike: "\$250,000"

Insert: "\$830,000"

31. Page 6, line 15.

Strike: "\$227,000"

Insert: "\$377,000"

32. Page 6, line 21.

Strike: "1,000,000"

Insert: "1,150,000"

33. Page 6, line 30.

Strike: "\$3,275,000"

Insert: "\$3,500,000"

34. Page 7, line 1.

Strike: "30,465,000"

Insert: "31,865,000"

35. Page 7, line 2.

Strike: line 2 in its entirety.

36. Page 7, lines 4 and 5.

Strike: lines 4 and 5 in their entirety.

37. Page 7, following line 5.

Insert: "(4) For the appropriation for the Petrolia dam rehabilitation, the legislature finds that the project is in need of costly repairs if operation of the project is to continue and that it is financially unsound for the state to continue to own the project. Any benefits to the public accruing from continued state ownership are outweighed by the cost of repairs and continued maintenance. The legislature finds that the useful life of the project as a state-owned water project is at an end. The department of natural resources and conservation is directed to enter into an agreement for the project's disposition to the Petrolia water users' association. The money appropriated in this section is contingent upon the Petrolia water users' association execution of a valid agreement to accept ownership of all property rights and liabilities associated with the project."

Renumber: subsequent subsections

38. Page 7, line 19.

Insert: "NEW SECTION. Section 7. Transfer of funds. The department of fish, wildlife, and parks is authorized to transfer money appropriated in [this act] among fund types."

Renumber: subsequent sections

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

39. Page 8, lines 4 and 5.

Strike: "8"

Insert: "9"

40. Page 8, line 7.

Insert: "NEW SECTION. Section 11. Maintenance for state buildings. (1) Subject to legislative determination as provided in subsection (2), a major capital project appropriation by the legislature may include an amount for maintenance as a part of the appropriation. The amount appropriated for maintenance must be deposited in the long-range building account for use in future maintenance.

(2) A state building recommended for construction in the report to the legislature required by 17-7-203 may also be recommended as appropriate for the inclusion of an amount for maintenance. For those buildings recommended for construction, the legislature may allocate an amount not to exceed 2% of the appropriated cost for use in maintenance.

(3) This section does not preclude additional funds, including separate appropriations, donations, grants, or other available funds, from being used for the construction or maintenance of state buildings.

NEW SECTION. Section 12. Percent-for-art. The architecture and engineering division of the department of administration is directed to minimize the allocation of funds for the acquisition of works of art, as provided in Title 22, chapter 2, part 4, for capital projects approved by the 1995 legislature.

NEW SECTION. Section 13. Codification instruction. [Section 11] is intended to be codified as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [section 11].

NEW SECTION. Section 14. Repealer. Section 23, Chapter 624, Laws of 1993, is repealed."

Renumber: subsequent sections.

And, as amended, do pass. Report adopted.

**HB 15**, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "\$17,911,000"

Insert: "\$12,559,240"

2. Page 2, line 2.

Strike: line 2 in its entirety.

3. Page 2, lines 3 and 4.

Strike: lines 3 and 4 in their entirety.

4. Page 2, lines 5 through 7.

Strike: lines 5 through 7 in their entirety.

5. Page 2, line 10.

Strike: "3,000,000"

Insert: "3,120,000"

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

6. Page 2, lines 15 and 16.

Strike: lines 15 and 16 in their entirety.

7. Page 2, line 19.

Strike: "\$71,747,000"

Insert: "\$30,515,240"

And, as amended, do pass. Report adopted.

**HB 395**, introduced bill, do pass. Report adopted.

**HB 584**, introduced bill, be amended as follows:

1. Title, lines 4, 5, and 6.

Strike: "AUTHORIZING" on line 4 through "ACADEMY;" on line 6.

2. Title, line 6.

Following: "APPROPRIATING"

Strike: "THE PROCEEDS OF THE BONDS"

Insert: "FUNDS"

3. Page 1, lines 12 through 18.

Following: "Section 1."

Strike: "Authorization" on line 12 through "project." on line 18.

Insert: "Appropriation. (1) There is appropriated to the department of administration for the law enforcement academy project a total of \$1,450,000, of which \$950,000 is from the long-range building program account and \$500,000 is from Lewis and Clark County."

4. Page 2, lines 1 through 4.

Strike: Section 4 in its entirety.

Insert: "NEW SECTION. Section 4. Department of justice. The department of justice shall repay the \$500,000 provided by Lewis and Clark County from its operating budget within 10 years, commencing in fiscal year 1998. The terms of the repayment agreement must be finalized before the department of administration begins capital construction and may include utilization of fees charged for law enforcement training."

And, as amended, do pass. Report adopted.

**HB 585**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "appropriated"

Insert: "to the department of administration"

And, as amended, do pass. Report adopted.

**HB 594**, introduced bill, be amended as follows:

1. Title, line 12.



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Following: "APPROPRIATION"

Insert: "AND AN APPROPRIATION OF LOAN PROCEEDS"

2. Page 2, line 9.

Following: "excess"

Strike: "in the general fund"

Insert: "as provided in 53-1-413"

3. Page 5, line 26.

Strike: "construction, maintenance, and"

4. Page 5, lines 28 and 29.

Strike: "constructing" on line 28 through "Springs, and" on line 29

5. Page 6, line 1.

Following: "exempt the"

Insert: "demolition"

6. Page 6, following line 3.

Insert: "NEW SECTION. Section 8. Appropriation of loan proceeds. The proceeds of the loan authorized in [section 1] are appropriated to the department of administration to be used for the construction of the Montana state hospital in Warm Springs."

Renumber: subsequent sections.

7. Page 6, line 14.

Strike: "9"

Insert: "10"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer: ,

Please be informed that I have signed House Bill 50 sponsored by Representative Larson on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer

March 17, 1995

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 141 sponsored by Representative Story on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 162 sponsored by Representative Taylor on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 386 sponsored by Representative Rose on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 392 sponsored by Representatives Ryan et al. on March 17, 1995.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 599**, introduced by Mercer, referred to Committee on Business & Labor.

**HB 600**, introduced by Sliter, referred to Committee on Fish & Game.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative R. Johnson explained Section E of HB 2.

Representative McCann moved HB 2, Section E, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Ahner, Arnott, Brainard, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, McCann, McCulloch, McGee, Menahan, Pavlovich, Quilici, Ream, Rehbein, Ryan, Schwinden, Shea, Simpkins, Squires, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 39

Noes: Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Larson, Marshall, Martinez, Masolo, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Rose, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 61

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Representative Wyatt moved HB 2, Section E, second reading copy, be further amended (amendment #2).  
Amendment #2 failed as follows:

Ayes: Ahner, Arnott, Barnhart, Carey, Cobb, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 43

Noes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Sliter, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 54

Excused: Harper.  
Total 1

Absent or not voting: Cocchiarella, DeBruycker.  
Total 2

Representative Wyatt moved HB 2, Section E, second reading copy, be further amended (amendment #3).  
Amendment #3 failed as follows:

Ayes: Ahner, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McGee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 43

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Sliter, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 57

Voted Absentee: Harper, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative J. Johnson moved HB 2, Section E, second reading copy, be further amended (amendment #4).  
Amendment #4 failed as follows:

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ream, Ryan, Schwinden, Shea, Simpkins, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Rehbein, Rose, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

Representative J. Johnson moved HB 2, Section E, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows:

Ayes: Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Larson, McCulloch, Menahan, Pavlovich, Quilici, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 31

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Rehbein, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: Marshall, Masolo, Rose.

Total 3

Representative Hurdle moved HB 2, Section E, second reading copy, be further amended (amendment #6). Amendment #6 failed as follows:

Ayes: Arnott, Bergman, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 37

Noes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Boharski moved HB 2, Section E, second reading copy, be further amended as follows (amendment #7):

1. Page E-3.

Following: line 20

Insert: "The superintendent of public instruction shall adopt policies that:

(1) prohibit any hidden or private conferences, message data bases, or file areas unless they are used exclusively for confidential personnel or student privacy matters;

(2) require that any Montana resident be granted access privileges upon request, as well as read-only access to all file areas and message data bases, except as provided in subsection (1). These access privileges do not prohibit denying write-access to any area of the bulletin boards.

(3) prohibit the use of the systems for political or lobbying purposes. These prohibitions do not apply to internet conferences that may be carried on the BBS network. Violation of this provision is to result in a denial of all access privileges for a period of at least 1 year."

This language would be added to the Office of the Superintendent of Public Instruction (OPI) in order to direct use of METNET by OPI and the general public.

Amendment #7 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook,



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Mr. Speaker.

Total 65

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

Representative Keenan moved HB 2, Section E, second reading copy, be further amended as follows (amendment #8):

1. Page E-1, line 4.

Strike: "4,680,108"

"4,344,719"

Insert: "4,390,776"

"4,011,988"

2. Page E-2

Strike lines 21 and 22 in their entirety.

Renumber: subsequent subsections

LFA will adjust totals.

EXPLANATION: This amendment strikes the federal "Goals 2000" program from the OPI budget. Federal funds reduced total \$6,553,370 (\$622,063 and 2.0 FTE from OPI Administration and \$5,931,307 from federal funds distributed to school districts).

Amendment #8 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 47

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Elliott moved HB 2, Section E, second reading copy, be further amended (amendment #9).  
Amendment #9 failed as follows:

Ayes: Arnott, Barnhart, Bergman, Boharski, Carey, Cobb, Curtiss, Elliott, Feland, Hurdle, Jore, Kadas, Kasten, Keenan, Larson, McCann, McGee, Molnar, Nelson, Raney, Rehbein, Simon, S. Smith, Wennemar.

Total 24

Noes: Ahner, Anderson, Barnett, Bohlinger, Brainard, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Excused: Harper.

Total 1

Absent or not voting: Bergsagel, Fisher, Grady.

Total 3

Representative Kadas moved HB 2, Section E, second reading copy, be further amended (amendment #10).  
Amendment #10 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 38

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Voted Absentee: Harper, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Absent or not voting: None.

Total 0

Representative Boharski moved HB 2, Section E, second reading copy, be further amended (amendment #11).  
Amendment #11 failed as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Elliott, Ellis, Feland, Fisher, Fuchs, Green, Grimes, Hayne, Holland, Jore, Kasten, Keenan, Kitzenberg, Kottel, Martinez, Masolo, McGee, Mills, Molnar, Orr, Rehbein, Sliter, L. Smith, S. Smith, Soft, Somerville, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman.

Total 41

Noes: Anderson, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ewer, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wyatt, Zook, Mr. Speaker.

Total 58

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: Forbes.

Total 1

Representative Vick moved HB 2, Section E, second reading copy, be further amended (amendment #12).  
Amendment #12 failed as follows:

Ayes: Ahner, Barnhart, Bergman, Boharski, Bohlinger, Clark, Cobb, DeBruycker, Elliott, Feland, Fuchs, Grinde, Hayne, Hurdle, Jore, Kadas, Keenan, Kitzenberg, Kottel, Martinez, Masolo, McGee, Menahan, Mills, Molnar, Rehbein, L. Smith, S. Smith, Somerville, Taylor, Tropila, Vick, Wells.

Total 33

Noes: Anderson, Arnott, Barnett, Bergsagel, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Larson, Marshall, McCann, McCulloch, McKee, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Voted Absentee: Harper, No.

Excused: None.

Total 0

Absent or not voting: None.



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Total 0

Representative R. Johnson moved debate on Section E closed at this time. Motion carried as follows: (70-26)

Representative Cobb moved HB 2, Section BP, second reading copy, be further amended as follows (amendment #1):

1. Page BP-2, following line 10.

Insert: "NEW SECTION. Section 9. Personal services -- workers' compensation costs. Appropriations for personal services in [this act] for each executive branch agency (including those headed by an elected official) and the judiciary in each year of the biennium are reduced by the difference between amounts appropriated, by fund type, for workers' compensation costs and actual costs based upon rates established by the state mutual compensation fund, as determined by the budget director. The budget director shall submit all documentation of calculations used to determine the difference in workers' compensation costs in each year to the legislative fiscal analyst within 10 days of final calculation."

Renumber: subsequent sections

This amendment reduces appropriations to executive branch agencies by any difference between workers' compensation rates used to derive the personal services budgets and actual rates as determined by the State Fund. All funds reduced would revert to the respective fund source.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herro, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Cocchiarella, Ellingson, Ewer, Grimes, Harrington, Hurdle, Larson, McCulloch, Pavlovich, Squires, Tuss, Wyatt.  
Total 12

Excused: Harper.  
Total 1

Absent or not voting: None.  
Total 0

Representative Cobb moved HB 2, Section BP, second reading copy, be further amended as follows (amendment #2):

1. Page BP-2, following line 10.

Insert: "NEW SECTION. Section 9. Personal services -- 1999 biennium. In preparing the governor's 1999 biennium budget, the budget director shall determine an actual vacancy savings rate experienced by each

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

executive branch agency (excluding those agencies headed by an elected official) with 20 FTE or greater and by the Montana university system in fiscal year 1996. This rate must be determined for each agency by dividing total actual personal services expenditures associated with personal services appropriated in line items in House Bill No. 2 by the total appropriated personal services in House Bill No. 2 and in House Bill No. 17 as allocated by the office of budget and program planning for all executive branch agencies and as established in the board of regents' approved operating budgets for the Montana university system. The total present law personal services requested for each agency in the agency program budgets provided for in 17-7-111 and in the governor's 1999 biennium budget must include a reduction in present law FTE in order to reduce total personal services by the equivalent of the vacancy savings rate."

Renumber: subsequent sections

This amendment requires the budget director to reduce the personal services budget request in the 1999 biennium for all executive branch agencies with greater than 20 FTE, excluding elected officials and including the university system, by an amount commensurate with the actual vacancy savings rate experienced in fiscal 1996.

Amendment #2 carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Elliott, Ellis, Feland, Forbes, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Orr, Peck, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Boharski, Carey, Devaney, Ellingson, Ewer, Fisher, Galvin, Grady, Grimes, Hagener, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Ohs, Pavlovich, Quilici, Ryan, Schwinden, Shea, Squires, Swanson, Tash, Trexler, Tuss.

Total 31

Excused: Harper.

Total 1

Absent or not voting: Molnar, Ream.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved that the Committee of the Whole report be adopted. Report adopted. (64-32)

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

3/17/95

Correctly printed for second reading: HB 3, HB 5, HB 15, HB 297, HB 349, HB 395, HB 479, HB 490, HB 531, HB 584, HB 585, HB 594, HB 595.

Signed by the Speaker at 2:00 p.m., 3/17/95: HB 77, HB 117, HB 169, HB 215, HB 245, HB 274, HB 329, HB 408.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

APPROPRIATIONS (Zook, Chairman):

3/17/95

**HB 3**, introduced bill, be amended as follows:

1. Title, line 6.

Following: " ; "

Insert: "AMENDING SECTION 1, CHAPTER 30, SPECIAL LAWS OF NOVEMBER 1993, AND SECTION 18, CHAPTER 624, LAWS OF 1993;"

2. Page 1, lines 10, 13, and 18.

Strike: "4"

Insert: "3"

3. Page 1, lines 15 and 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 1, line 22.

Strike: "through 3"

Insert: "and 2"

5. Page 1, line 25.

Strike: "\$92,000"

Insert: "\$88,000"

6. Page 1, line 27.

Strike: "98,329"

Insert: "16,750"

7. Page 1, lines 29 and 30.

Strike: lines 29 and 30 in their entirety

8. Page 2, line 2.

Strike: "7,700,000"

Insert: "10,497,849"

9. Page 2, following line 5.

Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Child Support Enforcement	1995	66,000	General Fund
	1995	128,117	Federal Funds

The appropriation for child support enforcement may not be used for any purpose other than child support enforcement activities. The funds may not be used for another purpose or transferred to another program or another agency. Any unexpended balance from the child support enforcement appropriation is reappropriated for fiscal year 1996.

Child Care	Benefits	1995	450,000	General Fund
------------	----------	------	---------	--------------



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

1995      1,094,799      Federal Funds

The appropriation for child care benefits may not be used for any purpose other than child care benefits. The funds may not be used for another purpose or transferred to another program or another agency. Any unexpended balance from the child care benefits appropriation is reappropriated for fiscal year 1996."

10. Page 2, following line 7.

Insert: "DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

Swan River Boot Camp	1995	93,930	General Fund
----------------------	------	--------	--------------

MSH Reception Overflow	1995	300,000	General Fund
------------------------	------	---------	--------------

COMMISSIONER OF HIGHER EDUCATION

Distribution Program	1995	849,978	General Fund
----------------------	------	---------	--------------

Vo-Tech Millage	1995	126,433	State Special
-----------------	------	---------	---------------

FORESTRY AND CONSERVATION EXPERIMENT STATION

Research	1995	48,977	General Fund"
----------	------	--------	---------------

11. Page 2, line 10.

Strike: "\$10,522,704"

Insert: "\$13,945,484"

12. Page 2, line 11.

Strike: "436,000"

Insert: "562,433"

13. Page 2, line 13.

Strike: "92,000"

Insert: "88,000"

14. Page 2, line 14.

Strike: "\$11,001,275"

Insert: "\$14,595,917"

15. Page 2, following line 14.

Insert: "Section 4. Section 1, Chapter 30, Special Laws of November 1993, the appropriations for AFDC and Emergency AFDC benefits, on page 210, booklet of Special Laws of November 1993, is amended to read:

"b. AFDC and Emergency AFDC Benefits"

Strike: "14,188,582"	"36,383,977"
----------------------	--------------

Insert: "13,672,582"	"35,161,061" "
----------------------	----------------

Section 5. Section 1, Chapter 30, Special Laws of November 1993, the narrative to appropriations to the university of Montana, on page 258, booklet of Special Laws of November 1993, is amended to read:

"Item 1 contains ~~\$68,255~~ \$44,000 in fiscal 1994 and ~~\$260,865~~ \$67,700 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

energy improvements through the state building energy conservation program."

Section 6. Section 1, Chapter 30, Special Laws of November 1993, the narrative to appropriations to eastern Montana college, on page 259, booklet of Special Laws of November 1993, is amended to read:

"Item 1 contains \$3,628 in fiscal 1994 ~~and \$17,989 in fiscal 1995~~ that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state building energy conservation program."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 297**, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Following the second: "AN ACT" on line 4

Strike "ALLOCATING" on line 4 through "COLLECTIONS" on line 6.

Insert: "INCREASING THE STATUTORY APPROPRIATION OF FUEL TAX REVENUE TO COUNTIES AND  
CITIES BY \$7,500,000"

2. Page 1, line 20.

Strike: "\$16,766,000"

Insert: "\$24,266,000"

3. Page 1, line 27.

Strike: "\$6,323,000"

Insert: "\$10,823,000"

4. Page 2, line 4.

Strike: "\$10,389,000"

Insert: "\$13,389,000"

5. Page 2.

Strike lines 11 through 21 in their entirety.

Renumber subsequent subsections.

6. Page 3, line 10.

Strike: "(3)"

Insert: "(2)"

7. Page 3.

Strike lines 12 and 13 in their entirety.

Insert: "(7) Funds allocated in this section must be let to private contract, in accordance with state bidding statutes, for the construction and maintenance of roads and bridges. The funds may not be used to purchase equipment."

8. Page 3, line 19.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

Strike: "2007"

Insert: "1997"

EXPLANATION: This amendment makes the following changes to HB297:

- 1) Removes the excess fuel tax provision;
- 2) Increases by \$7.5 million (from \$16,766,000 to \$24,266,000) the amount of fuel tax revenue distributed annually to cities and counties by the statutory appropriation included in 15-70-101; and
- 3) Returns the statutory amount to present levels beginning in July 1 1997 (fiscal year 1998).

And, as amended, do pass. Report adopted.

**HB 349**, introduced bill, do pass. Report adopted.

**HB 479**, introduced bill, do pass. Report adopted.

**HB 490**, introduced bill, do pass. Report adopted.

**HB 595**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "DEVELOPMENT"

Insert: "AND SELECTION"

2. Title, line 6.

Following: "MEN;"

Insert: "REQUIRING THE COMMITTEE TO DEVELOP SITING CRITERIA, DEVELOP A REQUEST FOR PROPOSALS, AND SOLICIT PROPOSALS FROM LOCAL GOVERNMENT UNITS, USING THE CRITERIA; REQUIRING THE COMMITTEE TO EVALUATE STATEMENTS OF QUALIFICATION AND DEVELOP A PRIORITIZED LIST OF COMMUNITIES; REQUIRING A REPORT TO THE GOVERNOR AND THE 55TH LEGISLATURE;"

3. Title, line 7.

Following: "DEVELOPMENT"

Insert: "AND SELECTION"

Following: "COMMITTEE"

Insert: "AND THE DEPARTMENT OF ADMINISTRATION"

4. Page 1, line 18.

Page 2, lines 9 and 12.

Strike: "5"

Insert: "6"

5. Page 1, lines 26 and 27.

Following: "development"

Insert: "and selection"



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

6. Page 2, line 21.

Following: "plan"

Strike: remainder of line 21 in its entirety

Insert: "to accommodate projected population increases, with no site having a population of more than"

7. Page 2, line 27.

Following: "criteria"

Insert: "based on the proposed expansion plan"

8. Page 2, lines 29 and 30.

Following: "(8)" on line 29

Strike: remainder of line 29 through "qualify" on line 30

Insert: "evaluate community statements of qualification, using a weighted scale process, to arrive at a prioritized list of eligible communities"

9. Page 3, lines 1 and 2.

Following: the second "a" on line 1

Insert: "prioritized"

Following: "qualify" on line 1

Insert: "for any or all facility options"

Following: "." on line 1

Strike: remainder of line 1 through "." on line 2

10. Page 3, lines 5 and 6.

Strike: "determine minimum" on line 5

Insert: "establish"

Following: "standards" on line 5

Insert: ", including mandatory criteria"

Following: "facilities" on line 5

Strike: remainder of line 5 through "facility" on line 6

11. Page 3, lines 9, 14, 16, and 18.

Strike: "minimum"

12. Page 3, line 12.

Strike: "determine" through "standards"

Insert: "evaluate community statements of qualification, using a weighted scale process, to arrive at a prioritized list"

13. Page 3, line 21.

Insert: "

NEW SECTION. Section 6. Report. Based on the recommendations of the committee and the determination of the department, the department shall develop site analysis and preliminary plans for three recommendations. The department shall use the services of the architecture and engineering division of the department of administration in developing the plans. The department shall present a report to the governor and the 55th legislature."

Renumber: subsequent sections

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

14. Page 3, line 22.

Strike: "Appropriation"

Insert: "Appropriations"

Following: "."

Insert: "(1)"

Strike: "appropriated"

Insert: "a biennial appropriation for the 1997 biennium"

Following: "fund"

Insert: "of"

15. Page 3, line 25.

Insert: "(2) There is appropriated from the general fund \$50,000 to the department of administration for the purposes of site analysis and other related costs."

And, as amended, do pass. Report adopted.

JOINT HEALTH CARE (Benedict, Chairman):  
HB 531, introduced bill, be amended as follows:

3/17/95

1. Title, lines 4 through 14.

Strike: "RELATING TO" on line 4 through "DATES" on line 14

Insert: "PROVIDING FOR THE DESIGN OF CONSUMER REPORT CARDS ON HEALTH CARE SERVICES"

2. Page 1, line 18 through page 26, line 6.

Strike: everything after the enacting clause

Insert: "

NEW SECTION. Section 1. Consumer report cards. (1) The department of social and rehabilitation services shall, in cooperation with consumers, employers, health insurers, hospitals, health care providers, and legislators, design a consumer report card that will enhance consumer responsibility in the use of health care services.

(2) The department of social and rehabilitation services shall, by October 1, 1996, submit to the legislature a proposal that contains the information needed to prepare the consumer report card. The information must include:

- (a) uniform data, including charges, that will enable consumers to evaluate the cost of medical procedures;
- (b) data about insurance plans, such as benefit and cost provisions;
- (c) additional information that may assist consumers in making informed choices about their medical care;

and

- (d) any further applicable information generated as a result of efforts undertaken pursuant to 50-4-502.

(3) The department of social and rehabilitation services shall also develop standards for uniform data to be provided by health insurers, hospitals, and health care providers and shall take into account the feasibility and cost-effectiveness of the standards.

(4) To the extent possible, data collected for the consumer report card must be provided by data sources that currently exist."

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [section 1].

NEW SECTION. Section 3. Coordination instruction. (1) If House Bill No. 511 is passed and approved, [section 1(1)] must read as follows:

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

"(1) The Montana health care advisory council shall appoint a task force of consumers, employers, health insurers, hospitals, health care providers, and legislators to design a consumer report card that will enhance consumer responsibility in the use of health care services."

(2) If House Bill No. 511 is passed and approved, the first sentence of [section 1(2)] must read as follows:

"(2) The Montana health care advisory council shall, by October 1, 1996, submit the task force's proposal to the legislature containing the information needed to prepare the consumer report card."

(3) If House Bill No. 511 is passed and approved, [section 1(3)] must read as follows:

"(3) The Montana health care advisory council shall also develop standards for uniform data to be provided by health insurers, hospitals, and health care providers and shall take into account the feasibility and cost-effectiveness of the standards."

And, as amended, do pass. Report adopted.

**SB 341**, be amended as follows:

1. Title, line 11.

Following: "EXCLUSION;"

Insert: "REVISING ASSOCIATION PLAN MINIMUM BENEFITS;"

2. Page 5, line 24.

Strike: "be less than 150% or more than 400%"

Insert: "exceed 200%"

3. Page 7, line 24.

Following: "(1)"

Insert: "(a)"

4. Page 7, line 25.

Strike: "80%"

Insert: "50%"

5. Page 7.

Following: line 28

Insert: "(b) One association plan must be offered with coverage for 80% of the covered expenses provided in this section in excess of an annual deductible that does not exceed \$1,000 per person. This association plan must provide a maximum lifetime benefit of \$500,000."

6. Page 7, line 29.

Following: "following"

Insert: "medically necessary"

7. Page 7, line 30.

Strike: "provided for in for 33-22-111"

Insert: "and when designated in the contract"

8. Page 8, line 13.

Following: "purchase of"

Insert: "durable"



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

9. Page 8, line 15.

Strike: "and"

10. Page 8, line 16.

Strike: "."

Insert: ";

(m) drugs requiring a physician's prescription that are approved for use in human beings in the manner prescribed by the United States food and drug administration, covered at 50% of the expense, up to an annual maximum of \$1,000;

(n) medically necessary, nonexperimental transplants of the kidney, pancreas, heart, heart/lung, lungs, liver, cornea, and high-dose chemotherapy bone marrow transplantation, limited to a lifetime maximum of \$150,000, with an additional benefit not to exceed \$10,000 for expenses associated with the donor;

(o) pregnancy, including complications of pregnancy;

(p) newborn infant coverage, as required by 33-22-301;

(q) sterilization;

(r) immunizations;

(s) outpatient rehabilitation therapy;

(t) foot care for diabetics;

(u) services of a convalescent home, as an alternative to hospital services, limited to a maximum of 60 days per year; and

(v) travel, other than transportation by a licensed ambulance service, to the nearest facility qualified to treat the patient's medical condition when approved in advance by the insurer."

11. Page 8, lines 18 and 19.

Strike: subsection (i) and (ii) in their entirety

Renumber: subsequent sections

12. Page 9, line 7.

Following: "condition"

Insert: ", except as provided by subsection (2)"

13. Page 9, line 13.

Strike: subsection (vi) in its entirety

Renumber: subsequent subsections

14. Page 9, line 18.

Strike: "sterilization or"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/17/95

**HB 368**, introduced by Holland

**HB 385**, introduced by R. Johnson

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 17, 1995

**HB 436**, introduced by Kottel  
**HB 454**, introduced by Harper

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/17/95

**HB 301**, introduced by Soft

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 601**, introduced by Somerville, referred to Committee on Taxation.  
**HB 602**, introduced by Kitzenberg, referred to Committee on Business & Labor.  
**HB 603**, introduced by Zook, referred to Committee on Appropriations.  
**HJR 29**, introduced by Ohs, referred to Committee on Natural Resources.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 497: Representative Somerville, Representative Murdock, Representative Raney, Representative Ryan, Representative Wennemar, Representative Nelson, Representative Rose, Representative Wells, Representative Wyatt, Representative Fuchs, Representative Swanson.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March 18, 1995. Motion carried.

House adjourned at 6:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 18, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Matt Brainard. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Fisher, Shea, excused. Quorum present.

Mr. Speaker introduced this week's Honorary pages:

Kristin Robinson, Helena  
Erin Oelkers, Helena  
Amy Kirscher, Townsend  
Meagan Flynn, Townsend  
Micah Finkelstein, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):** 3/18/95  
Correctly printed for second reading: HB 222, HB 422, HB 484.

**APPROPRIATIONS (Zook, Chairman):** 3/17/95  
**HB 222**, introduced bill, do pass. Report adopted.

**HB 422**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.  
Following: "DISTRICTS;" ON LINE 5  
Strike: remainder of line 5 through "ADMINISTRATION;" on line 7

2. Title, line 12.  
Following: "PAYMENTS;"  
Insert: "REVISING THE ALLOCATION OF CERTAIN FEDERAL LAND PAYMENTS BETWEEN COUNTY  
ROAD FUNDS AND SCHOOL FUNDS; PRIORITIZING THE ALLOCATION TO SCHOOL FUNDS;"  
Following: "SECTIONS"  
Strike: "2-7-503, 2-7-514,"

3. Title, lines 14 through 16.  
Following: "17-3-212," on line 14  
Insert: "17-3-213,"  
Following: "17-3-214," on line 14  
Insert: "17-3-222, 17-3-305,"  
Strike: "17-7-301,", "20-1-301,", and "20-3-205, 20-3-209," on line 14  
Strike: "20-3-324," on line 15  
Following: "20-7-420," on line 15  
Strike: remainder of line 15 through "20-9-211," on line 16  
Strike: "20-9-213," on line 16

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

4. Title, lines 18 and 19.

Strike: "20-9-351," on line 18

Following: "20-9-361," on line 18

Strike: remainder of line 18 through "23-7-202," on line 19

5. Page 1, lines 22 through 27.

Strike: statement of intent in its entirety

6. Page 2, line 1 through page 3, line 25.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

7. Page 12, line 29.

Following: line 28

Insert: "Section 11. Section 17-3-213, MCA, is amended to read:

"17-3-213. Allocation to general road fund and ~~countywide~~ school levies. (1) The forest reserve funds ~~so~~ apportioned ~~to each county as provided in 17-3-212~~ must be apportioned by the county treasurer ~~in each county~~ as follows:

(a) to the general road fund, ~~66-2/3%~~ 37.5% of the total amount received;

(b) to the following ~~countywide~~ school levies, ~~33-1/3%~~ 62.5% of the total ~~sum~~ amount received, to be distributed in the following order:

(i) ~~county equalization for elementary schools provided for in 20-9-331; and~~

(ii) ~~county equalization for high schools provided for in 20-9-333;~~

(iii) ~~the county transportation fund provided for in 20-10-146; and~~

(iv) the elementary and high school district retirement fund ~~obligations~~ levy provided for in 20-9-501;

(ii) the county transportation fund levy provided for in 20-10-146;

(iii) the school district transportation fund levy for each school district within the county;

(iv) the BASE budget levy of each school district within the county, to be distributed on a prorated basis among the school districts according to the amount of revenue in district mills and guaranteed tax base aid, excluding all nonlevy revenue, that is required to provide funding up to the BASE budget of each school district; and

(v) as a final distribution, the basic county equalization levy for elementary and high school districts as provided in 20-9-331.

(2) The apportionment of money to the funds provided for under subsection (1)(b), except for subsection (1)(b)(iv), must be made by the county superintendent treasurer by allocating money to each of the funds in the order provided so that the levy requirements of each fund are eliminated prior to the allocation to the next fund that is listed. Allocations among school districts must be based on the proportion that the mill levy of each specified fund bears to the total number of mills for all the funds of that type within the county. Whenever the total amount of money available for apportionment under this section is greater than the total requirements of a levy, the excess money and any interest income must be retained in a separate reserve fund, to be reapportioned in the ensuing school fiscal year to the levies designated in subsection (1)(b).

(3) In counties in which special road districts have been created according to law, the board of county commissioners shall distribute a proportionate share of the ~~66-2/3%~~ 37.5% of the total amount received for the general road fund to the special road districts within the county based upon the percentage that the total area of the road district bears to the total area of the entire county.

(4) Notwithstanding the provisions of subsection (3), the county commissioners may allocate a portion of the share of the 37.5% received for the general road fund to the county treasurer to be distributed to the school districts of the county based on the proportion that the mill levy of each school district fund bears to the total number of mills for all school district funds within the county."

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Renumber: subsequent sections

8. Page 13, line 6.

Following: line 5

Insert: "Section 13. Section 17-3-222, MCA, is amended to read:

"17-3-222. Apportionment of moneys to counties money. It shall be the duty of the The state treasurer to ~~shall~~ properly apportion and allocate these moneys federal Taylor Grazing Act money to the county treasurers, who will allocate and pay all such moneys as follows: 50% to the county general fund and 50% to the common school fund of the county basic county equalization levy for elementary and high school districts as provided in 20-9-331."

Section 14. Section 17-3-305, MCA, is amended to read:

"17-3-305. Disposal of moneys money. (1) All Except as provided in Title 17, chapter 3, part 3, for payments received by school districts or counties, payments of sums in lieu of taxes received by this state shall must be deposited in funds according to the state levies.

(2) A county receiving money pursuant to 7 U.S.C. 1012 or 16 U.S.C. 715s shall allocate the money as follows:

(a) to the county road fund, 37.5% of the total amount received;  
(b) to the following school levies, 62.5% of the total amount received, to be distributed in the following order:

(i) the county transportation fund levy provided for in 20-10-146;  
(ii) the elementary and high school retirement fund levy provided for in 20-9-501;  
(iii) the school district transportation fund levy of each school district within the county;  
(iv) the BASE budget levy of each school district within the county, to be distributed on a prorated basis among the school districts according to the amount of revenue in district mills and guaranteed tax base aid, excluding all nonlevy revenue, that is required to provide funding up to the BASE budget of each school district; and

(v) as a final distribution, the basic county equalization levy for elementary and high school districts as provided in 20-9-331.

(3) The apportionment of money to the funds provided for under subsection (2)(b), except for subsection (2)(b)(iv), must be made by the county treasurer by allocating money to each of the funds in the order provided so that the levy requirements of each fund are eliminated prior to the allocation to the next fund that is listed. Allocations among school districts must be based on the proportion that the mill levy of each specified fund bears to the total number of mills for all the funds of that type within the county."

Renumber: subsequent sections

9. Page 13, line 15 through page 15, line 2.

Strike: section 15 in its entirety

Renumber: subsequent sections

10. Page 16, line 5 through page 16, line 14.

Strike: section 17 in its entirety

Renumber: subsequent sections

11. Page 16, line 21.

Following: "20-3-362;"

Insert: "resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;"

Renumber: subsequent subsections



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

12. Page 17, line 13.

Following: "~~20-3-209;~~"

Insert: "(8) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(9) establish a system of communication for calculating joint district revenue in accordance with the provisions of 20-9-151;

(10) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

(11) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(12) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;"

Renumber: subsequent subsections

13. Page 17, line 20.

Following: "~~20-10-112;~~"

Insert: "(14) distribute BASE aid and special education allowable cost payments in support of the BASE funding program, in accordance with the provisions of 20-9-331, 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

(15) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;"

Renumber: subsequent subsections

14. Page 18, line 25.

Following: "~~20-9-369;~~"

Insert: "(32) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369;"

Renumber: subsequent subsection

15. Page 18, line 29 through page 23, line 26.

Strike: sections 19 through 21 in their entirety

Renumber: subsequent sections

16. Page 24, lines 23 and 24.

Following: "~~foundation~~"

Strike: remainder of line 23 through "which" on line 24

Insert: "superintendent of public instruction, who"

17. Page 28, line 5 through page 33, line 27.

Strike: sections 26 through 36 in their entirety

Renumber: subsequent sections

18. Page 34, lines 4 and 15.

Strike: "department of administration" in both places

Insert: "superintendent of public instruction"

19. Page 34, line 18.

Strike: "department"

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Insert: "superintendent of public instruction"

20. Page 35, line 8.

Following: "tax for"

Strike: "a"

21. Page 35, line 9.

Strike: "program within a unit of the university system"

Insert: "education"

22. Page 35, line 24 through page 36, line 30.

Strike: section 38 in its entirety

Renumber: subsequent sections

23. Page 42, line 23.

Following: "17-3-213"

Insert: "and money received as provided in 17-3-305"

24. Page 43, line 23.

page 44, line 29

page 46, lines 2, 4, 8 and 9, 17 and 18, 18 and 19, 25 and 26

page 47, lines 6, 7 and 8, and 12

page 48, lines 16 and 17, 25, 29

page 49, lines 2 and 3 and 4

Strike: "department of administration"

Insert: "superintendent of public instruction"

25. Page 49, lines 9 through 15.

Strike: section 51 in its entirety

Renumber: subsequent sections

26. Page 50, line 9.

Strike: "department of administration"

Insert: "superintendent of public instruction"

27. Page 50, line 17 through page 58, line 14.

Strike: sections 54 through 61 in their entirety

Renumber: subsequent sections

28. Page 61, line 16 through page 62, line 12.

Strike: section 68 in its entirety

Renumber: subsequent sections

29. Page 62, lines 16 and 17.

Strike: section 70 in its entirety

Renumber: subsequent sections

30. Page 62, line 19.

Following: line 18

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Insert: "

NEW SECTION. Section 44. Coordination instruction. If Senate Bill No. 83 is passed and approved and if it includes a section that amends 20-5-324, then that section of Senate Bill No. 83 is void."

And, as amended, do pass. Report adopted.

**HB 484**, introduced bill, be amended as follows:

1. Title, line 11.

Following: "LEGISLATURE"

Insert: ", THE LEGISLATIVE FINANCE COMMITTEE,"

2. Title, line 13.

Following: "THE"

Insert: "LEGISLATIVE FINANCE COMMITTEE AND THE"

Following: ";

Insert: "PROVIDING AN APPROPRIATION FOR THE STUDIES;"

3. Page 2, line 13.

Following: "legislature"

Insert: ", the legislative finance committee,"

4. Page 2, line 17.

Following: "legislature"

Insert: "and legislative finance committee"

5. Page 3, line 16.

Following: "legislature"

Insert: ", the legislative finance committee,"

6. Page 3, line 21.

Following: "I"

Insert: "and upon a determination of cost-effectiveness pursuant to subsection (2) of this section"

7. Page 3, line 25.

Following: "PLANNING"

Insert: ", after considering comments from the legislative finance committee,"

8. Page 3, line 28.

Following: "IF"

Insert: ", after reviewing the committee's comments,"

9. Page 4, line 10.

Insert: "

NEW SECTION. Section 4. Appropriation. There is appropriated from the general fund \$25,000 to the department of social and rehabilitation services for the purposes of conducting the studies in [this act]."

Renumber: subsequent sections



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 306 sponsored by Representatives Hayne et al. on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 494 sponsored by Representatives Clark et al. on March 17, 1995.

Sincerely,

MARC RACICOT  
Governor

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:10 a.m.

House reconvened at 9:05 a.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative H. Hanson moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 19** - Representative Bergsagel moved HB 19 do pass. Motion carried as follows:

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Ellingson, Galvin, M. Hanson, Heavy Runner, Larson, Murdock, Taylor, Tuss, Wyatt.

Total 9

Voted Absentee: Shea, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 293** - Representative Ream moved HB 293 do pass.

Representative Denny moved HB 293, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "STATE;"

Insert: "REDUCING THE PERIOD DURING WHICH INTEREST DOES NOT HAVE TO BE PAID ON REFUNDS OF OVERPAYMENT OF INCOME TAXES FROM 6 MONTHS TO 45 DAYS;"

2. Title, line 10.

Following: "SECTIONS"

Insert: "15-30-149,"

3. Page 10, line 27.

Insert: "Section 8. Section 15-30-149, MCA, is amended to read:

"15-30-149. Credits and refunds -- period of limitations. (1) If the department discovers from the examination of a return or upon claim duly filed by a taxpayer or upon final judgment of a court that the amount of income tax collected is in excess of the amount due or that any penalty or interest was erroneously or illegally collected, the amount of the overpayment must be credited against any income tax, penalty, or interest then due from the taxpayer and the balance of the excess must be refunded to the taxpayer.

(2) (a) A credit or refund under the provisions of this section may be allowed only if, prior to the expiration of the period provided by 15-30-146 and 15-30-147, the taxpayer files a claim or the department determines there has been an overpayment.

(b) If an overpayment of tax results from a net operating loss carryback, the overpayment may be refunded or credited within the period that expires on the 15th day of the 40th month following the close of the taxable year of the net operating loss if that period expires later than 5 years from the due date of the return for the year to which the net operating loss is carried back.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

(3) Within 6 months after a claim for refund is filed, the department shall examine the claim and either approve or disapprove it. If the claim is approved, the credit or refund must be made to the taxpayer within 60 days after the claim is approved. If the claim is disallowed, the department shall notify the taxpayer and a review of the determination of the department may be pursued as provided in 15-1-211.

(4) Interest is allowed on overpayments at the same rate as charged on delinquent taxes. Interest is payable from the due date of the return or from the date of the overpayment, whichever date is later, to the date the department approves refunding or crediting of the overpayment. With respect to tax paid by withholding or by estimate, the date of overpayment is the date on which the return for the taxable year was due. Interest does not accrue on an overpayment if the taxpayer elects to have it applied to the taxpayer's estimated tax for the succeeding taxable year. Interest does not accrue during any period the processing of a claim for refund is delayed more than 30 days by reason of failure of the taxpayer to furnish information requested by the department for the purpose of verifying the amount of the overpayment. Interest is not allowed if:

(a) the overpayment is refunded within ~~6 months~~ 45 days from the date the return is due or the date the return is filed, whichever date is later;

(b) the overpayment results from the carryback of a net operating loss; or

(c) the amount of interest is less than \$1.

(5) An overpayment not made incident to a bona fide and orderly discharge of an actual income tax liability or one reasonably assumed to be imposed by this law is not considered an overpayment with respect to which interest is allowable. ""

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Forbes, Fuchs, Galvin, Green, H.S. Hanson, M. Hanson, Heavy Runner, Hibbard, Holland, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Ellingson, Elliott, Feland, Grady, Grinde, Hagener, Harper, Harrington, Hayne, Herron, Hurdle, J. Johnson, R. Johnson, Kasten, McCann, Mills, Quilici, Ream, Schwinden, S. Smith, Somerville, Story, Swanson, Trexler, Tuss, Wennemar, Wyatt.

Total 28

Excused: Fisher, Shea.

Total 2

Absent or not voting: Brainard, Grimes, Keenan, Ryan.

Total 4

Representative Ream moved HB 293, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills,



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: McGee, Rehbein, Trexler.

Total 3

Voted Absentee: Shea, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 497** - Representative Bohlinger moved HB 497 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, Curtiss, DeBruycker, Ewer, Heavy Runner, Jore, Kasten, McCann, McGee, Orr, Rehbein, S. Smith, Tuss.

Total 14

Voted Absentee: Shea, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 346** - Representative Elliott moved HB 346, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "REFUND"

Insert: "AND A TAX CREDIT CLAIM FORM"

2. Title, line 8.

Following: "AMENDING"

Strike: "SECTION"

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Insert: "SECTIONS 15-30-111 AND"

3. Page 3, line 5.

Following: "NOTICE."

Insert: "A tax credit claim form must also be mailed with the property tax notice. The tax credit claim form is for the use of a claimant to verify eligibility for the tax credit."

4. Page 3, lines 19 and 20.

Following: "copy of the"

Strike: "November tax statement"

Insert: "property tax notice and the tax credit claim form"

5. Page 3, line 28.

Following: "rate of"

Strike: "1 %"

Insert: "0.75 %"

6. Page 3.

Following: line 29

Insert: "Section 9. Section 15-30-111, MCA, is amended to read:

"15-30-111. Adjusted gross income. (1) Adjusted gross income shall be the taxpayer's federal income tax adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954 or as that section may be labeled or amended and in addition shall include the following:

(a) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision thereof;

(b) refunds received of federal income tax, to the extent the deduction of such tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code of 1954, that has been reduced by any federal taxes paid by the subchapter S. corporation on the income; ~~and~~

(d) depreciation or amortization taken on a title plant as defined in 33-25-105(15); and

(e) a tax credit claimed under [sections 1 through 8] if the credit was based upon any portion of a property tax that was used to reduce Montana income tax liability.

(2) Notwithstanding the provisions of the federal Internal Revenue Code of 1954, as labeled or amended, adjusted gross income does not include the following which are exempt from taxation under this chapter:

(a) all interest income from obligations of the United States government, the state of Montana, county, municipality, district, or other political subdivision thereof;

(b) interest income earned by a taxpayer age 65 or older in a taxable year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

- (e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);
  - (f) all tips covered by section 3402(k) of the Internal Revenue Code of 1954, as amended and applicable on January 1, 1983, received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging;
  - (g) all benefits received under the workers' compensation laws;
  - (h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law; and
  - (i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange".
- (3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in ~~his~~ the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by federal law (section 995, Internal Revenue Code) for all periods for which the DISC election is effective.
- (4) A taxpayer who, in determining federal adjusted gross income, has reduced his business deductions by an amount for wages and salaries for which a federal tax credit was elected under section 44B of the Internal Revenue Code of 1954 or as that section may be labeled or amended is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.
- (5) Married taxpayers filing a joint federal return who must include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.
- (6) A taxpayer receiving retirement disability benefits who has not attained age 65 by the end of the taxable year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 per week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion and before application of the two-earner married couple deduction exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, permanently and totally disabled means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983.)"

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Noes: None.  
Total 0

Excused: Fisher, Shea.  
Total 2

Absent or not voting: Curtiss, Orr, Vick.  
Total 3

Representative Somerville moved HB 346, second reading copy, be further amended (amendment #2).

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (89-2)

**SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Speaker Mercer, United States Senator Max Baucus was escorted to the rostrum by Representatives Peck and H. Hanson and gave the following address:

**ADDRESS TO THE MONTANA STATE LEGISLATURE**

Senator Max Baucus  
Helena, Montana

March 18, 1995

Good morning. Speaker Mercer, President Brown, and members of our 54th Legislature, I thank you for inviting me to speak this morning.

And I thank you for your service to our state. You are Democrats and Republicans, conservatives and liberals. You come from the ranch, the classroom, the sawmill and the law office. Some of you are eighth-generation Montanans. Some are newcomers. Some of your families have been on Montana soil for five thousand years. But as our Governor said a few weeks ago, in Montana our similarities far outweigh our differences.

As the poet Dante Alighieri wrote, seven hundred years ago:

"Let there be no doubt in the mind of the man who has benefitted from the common heritage, but does not trouble to contribute to the common good, that he is failing sadly in his duty."

Our parents and our grandparents understood that. They lived by it. They left us a tradition of civility and small-town decency. A natural heritage of clean air, clean water and unspoiled natural wonder. A belief in open government, freedom and democracy.

That is an extraordinary legacy. No sum of money could buy it. And in our times as in theirs, its preservation depends on an informed, involved citizenry. We Montanans still understand that, and we still live by it. And this, the people's Legislature, is proof enough.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

A FUNDAMENTAL DEBATE

I hope and I have faith that these Montana values will never change. But much else in the world is changing very quickly.

Modern roads, new telecommunications services, cable TV and satellite dishes, computers and modems, all combine to bring us closer to the big cities and the world markets than ever before. The end of the Cold War has changed our entire country's role in the world. Businesses are changing their ways to keep up. And government must do the same.

And thus, a fundamental, healthy debate has begun about the role of government. What role should government play in this new era? How can we make it more efficient? Which programs have run their course, and which services are still essential?

Montanans are debating these question in their homes; on the job; and here in the Legislature. At times these are heated debates. But as I think about them, and discuss them with my family, and listen to the views of Montanans, I find three basic principles on which most of us agree.

First, government must live within its means.

Second, government still has essential responsibilities.

And third, government must be closer and more responsive to the people.

THE BALANCED BUDGET AMENDMENT

Let us start with the first. The government -- in particular, the federal government -- must live within its means.

Every year since 1981, we have borrowed between \$150 and \$200 billion. In that time, our national debt grew to nearly five trillion dollars. And it is still growing about 5% a year, faster than our economy will grow in the foreseeable future. So every year, the debt is bigger relative to our economy and interest rates swallow more of our national income.

Last year, for the first time, federal new interest payments topped \$200 billion. Next year it will be \$260 billion -- a thousand dollars for every American man, woman and child. Our country simply cannot live with that. And that is why I came to support the Balanced Budget Amendment.

LIVING WITHIN OUR MEANS

Whether or not this Amendment ultimately passes, Washington must learn to live within its means. And that will mean some pain here at home -- where for every dollar we pay in federal taxes, a dollar and fifty-one cents comes back. But we can begin by simply cutting wasteful government spending.

Last year I looked into overspending on federal courthouses. I found judges in Boston, Phoenix and New York spending our taxpayers' money on rosewood panelling for their offices and private kitchens. And I cut \$180 million out of their budgets.

The intelligence services' National Reconnaissance Office in Northern Virginia, with a sauna and a

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

fountain. Twelve million dollars for "TV Marti" to broadcast "Laverne and Shirley" reruns to Cuba at 3:00 a.m.

The Army Corps of Engineers. Taking thousands of acres of the best bottom land in the world from Roosevelt, McCone and Richland counties and washing it into Lake Sakakawea. Costing us millions in tourism revenue at the Fort Peck Reservoir and the CMR. Taking our water year after year after year.

The Corps has committed abuses of such magnitude that, as Ken Byerly of the Lewistown News Argus puts it, fixing the problem is "a job as big as eating an elephant." Well, we're firing up the grill and ready to carve some steaks. And it may take years, but we will do the job.

Beyond this, however, there will be hard, painful decisions ahead. The Department of Agriculture is shutting some Montana field offices this year. I think they had to do it. Their decision makes sense, and we will see more like it in the future.

GOING TOO FAR

But our state has a valuable tradition of moderation. We reject extremism. We believe in balance. And we know that just like spending, cutting can go too far. As we eliminate the programs we don't need, we must protect the services we do need.

We need to make investments in the education of our children today if we want Montana to prosper tomorrow.

Last year, a federal grant helped Superintendent Svec buy a new computer system for kids in the Hardin School District. Another grant put the Townsend Library on the Internet. Federal help buys lunch and breakfast for young children all across the state. That is money well spent. For the federal government to cut it out would be wrong.

Here at home we must protect and invest in our public schools and universities. Our children deserve the same chance for success as kids from California, New York and Japan. We must never tell them to leave the Big Sky if they want their shot at the dream.

So I hope this Legislature will give our education system the support it needs. Whether it is the overall university budget, or specific items like matching funds for the Bioscience Building at Montana State which Pat and Conrad and I worked together to fund, the money is worth it. Our schools need your support.

In other areas, cuts can hurt as well as help. Last year, for example, the Forest Service decided to move Region One to Denver, hundreds of miles from the woods they're supposed to manage. Amtrak Empire Builder service on the Hi-line to four days a week at the height of the ski season. The USDA wants to eliminate research on leafy spurge -- a disease that costs producers \$144 million a year -- at the Sidney Research Station. Penny-wise, pound foolish mistakes.

The Air Force wants to move the tanker squadron at Malmstrom to MacDill Airfield in Florida. That takes 1,000 jobs out of Great Falls and -- more important -- weakens our defense. And President Clinton wants to sell the Western Area Power Administration, raising electric rates on small business and families.

ESSENTIAL SERVICES

All this illustrates the second principle -- that there are some essential services that only government can



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

provide. Education in one.

Highways are another. Our farms, ranches, mines and mills need to be linked to the market with the best, most modern roads in the world. That costs money. When my National Highway System bill passes, the federal government will send us \$82 million a year. The roads it builds will contribute to our economy for decades. And each year, it will create three thousand construction jobs. High-paying new jobs that help us keep our kids at home. Does anyone imagine that we are better off refusing to invest that money?

What else must government do?

Protect senior citizens by keeping Social Security and Medicare strong.

Help small towns promote economic development, as the EDA did last year when mills closed in Libby and Superior, and A&S Industries on the Fort Peck Reservation needed help converting from military to civilian industry.

Make sure we have clean air, clean water and clean neighborhoods. People in Billings deserve fresh air. People on the Clark Fork deserve safe drinking water.

Guarantee food safety.

Offer unemployment insurance and job training to working people in a tough spot.

Support our agriculture with a sound farm program.

Put police on the street to help our town, counties and reservations keep their neighborhoods safe.

Keep the nation secure and pay the debt to our military veterans.

These are essential services. Our communities -- our state -- our nation -- need them. Our parents were willing to sacrifice to give us good educations. To keep our neighborhoods clean and safe. And to defend America. Because they sacrificed, we have the good life we now enjoy. And we must do the same for the next generation of Montana children.

CLOSER TO THE PEOPLE

And the third principle is this. While government has essential tasks, it does them best when it is closest to the people.

That's why I spend so much time walking. Out on the roads, you meet a lot of people. They tell you what's on their mind. What's going wrong, what's right. Where they need help and -- more often -- where they want to be left alone.

As our Founders understood, ordinary, middle-class people are pretty good at running their lives. And when government gets too big and adds too many layers of bureaucracy, it starts to forget that. It tries to do too much. And it starts to push people around instead of helping them out.

Here is an example. A month ago, some loggers who work in the Flathead, Kootenai and Bitterroot forests called my staffer Sue Tillett to a meeting. They said that OSHA, the Occupational Safety and Health

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Administration, had ordered them to buy steel-toed, chainsaw-resistant boots to protect their feet. They had two weeks grace, and after that it was no boots, no work.

Well, steel-toed boots may sound good to someone at a desk in Washington. But here in Montana, they can make the job more dangerous, not less. On a cold day they make your feet go numb. When your feet go numb out on a steep hill, you can slip and fall. And that's no joke when you're holding a live chainsaw.

Because these loggers acted so fast, I was able to get to the Secretary of Labor. He agreed to stop the regulations, and last week he wrote me to say he wants to meet with the loggers personally. And though we're not done yet, I think we'll get a happy ending.

But the fact is, nobody at a desk in Washington should be telling people in the Flathead what kind of shoes to wear. Our middle-class people -- the people who work, pay taxes, and keep the country going -- the people government is meant to serve -- understand their needs better than anyone else.

That's why I want to give Governor Racicot and people like Mayor Kurkowski of Miles City the power to say "no" to big city garbage entrepreneurs who want to dump on our prairie towns. Listen to their plan.

Trash would come in on empty coal trains running back out of Minneapolis. Each train 110 cars long, and each car fifty feet long, ten feet wide and eleven feet high. In total, a giant garbage snake over a mile long, shedding rotten food, broken glass and used diapers into the Yellowstone River at every bend in the track. Imagine that steaming into a small town on a hot summer day like a dry land Leviathan. It is a scandal. And Miles City should have the right to say "no."

So whenever possible, decisions should be local. And if they have to be national, people who make them need to get away from the bureaucracy. They should meet the people in person.

That's why I asked Mr. Reich to meet the Flathead loggers about OSHA. And it is why, when our Hi-line grain producers went through the flood of Canadian wheat, I brought a few of them to the White House to meet Mike Espy and Bob Rubin. And that got results. A year ago, three hundred Canadian grain trucks a week were crossing the border at the Port of Sweetgrass. Once we almost hit four hundred. Today it's down to thirty a week.

LUCKY TO BE MONTANANS

But things like that don't happen often enough. A lot of Montanans are angry at the federal government. They are right to be angry. Government doesn't listen very much. Bureaucrats and special interests are too powerful.

And we have challenges that go well beyond government. The cost of health insurance. The price of housing. The slow growth of Montana incomes.

We must address those problems. WE must work together to remedy those complaints. But every once in a while, we should also stop to appreciate our blessings.

We are lucky to be Americans.

We are at peace. For the first time in over sixty years -- for the first time since Adolf Hitler took power in 1933 -- America faces not a single deadly foreign threat.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

'We are prosperous. America's economy is booming; growing faster and creating more jobs than it has in a decade.

And we are lucky to be Montanans.

We live in the most beautiful place in the world. The land of the bear, the eagle and the cutthroat trout. Of wooded mountains and blue ribbon streams. As I walk our roads -- through a snowfall from Livingston over the windy hill to Bozeman -- down the Lewis and Clark route from Helena to the Missouri headwaters at Three Forks -- I appreciate it all the more.

We are decent people. I will never forget the waitress I met on a walk down the Bitterroot Valley to Hamilton last month. She was in her 60's, in a little coffee shop in Florence. Her husband had died a few years earlier. Ever since, she needed to work to replace the pension, and help support a sick daughter. She asked if I could help her with SSI. I said of course I would, but then she said she didn't want any special treatment, because a lot of people are worse off and needed help more.

We are good neighbors, in an age when so much of our country is beset by crime and the breakdown of civility. Billings stood as one against the skinheads and hate groups who targeted our Jewish community. The whole state came together in the effort to bring the MICRON company to Butte.

And our old-fashioned values are alive and well. In Montana, character counts more than money. People think more about their children than themselves. The basic principles of democracy are reality.

As the Athenian statesman Pericles said:

"Our city is called a democracy because it is governed by the many, not the few. In the realm of private disputes everyone is equal before the law, but when it is a matter of public honors each man is preferred not on the basis of his class but of his good reputation and his merit. No one, moreover, if he has it in him to do some good for the city, is barred because of poverty or humble origins."

That is still true here in the last, best place. All of you today are living proof -- from old veterans like Bob Brown, Hal Harper, "Red" Menahan and Joe Quilici; to those who just went through your first transmittal a few weeks ago.

May the Lord bless your work and continue to lend his grace to the land we love so much.

Thank you.

Representatives Peck and H. Hanson escorted Senator Baucus from the House Chamber.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

recommend as follows:

**HB 346** - Representative Grinde moved consideration of HB 346 be placed below HB 567 on the second reading board. Motion carried.

Representative Grinde assumed the Chair at this time.

**HB 202** - Representative T. Nelson moved HB 202 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Hurdle.  
Total 1

Voted Absentee: Shea, Aye.

Excused: Fisher.  
Total 1

Absent or not voting: Rose.  
Total 1

**HB 560** - Representative Simon moved HB 560, second reading copy, be amended as follows (amendment #1):

1. Title, lines 17 and 18.  
Strike: "AN" on line 17 through "DATE," on line 18  
Insert: "A DELAYED EFFECTIVE DATE"
2. Page 9, line 20 through 22.  
Strike: Section 11 in its entirety  
Renumber: subsequent sections
3. Page 9, lines 24 and 25.  
Strike: "ON" on line 24 through "APPROVAL" on line 25  
Insert: "January 1, 1996"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes,

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Mr. Speaker.

Total 78

Noes: Carey, DeBruycker, Ellingson, Ewer, Heavy Runner, Hurdle, J. Johnson, Jore, Kadas, Kasten, Kottel, Larson, Rehbein, Schwinden, Tropila, Tuss, Wyatt, Zook.

Total 18

Excused: Fisher, Shea.

Total 2

Absent or not voting: Harper, McCulloch.

Total 2

Representative Simon moved HB 560, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Carey, Ellingson, Elliott, Ewer, Hagener, Harrington, Heavy Runner, Hurdle, Kadas, Kasten, Ream, Schwinden, Tuss, Wennemar.

Total 14

Voted Absentee: Shea, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

Representative Simon resumed the Chair at this time.

Representative Curtiss excused at this time.

**HB 90** - Representative Feland moved HB 90 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne,

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kadas, Kottel, Larson, McCulloch, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 29

Voted Absentee: Shea, Aye.

Excused: Fisher.

Total 1

Absent or not voting: Feland.

Total 1

**HB 209** - Representative Cobb moved HB 209 do pass.

Representative Cobb moved HB 209, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Strike: "CONTINGENT VOIDNESS"

Insert: "COORDINATION"

2. Page 3, lines 24 through 28.

Strike: section 3 in its entirety

Insert: "

NEW SECTION. Section 3. Coordination. If House Bill No. 35 is passed and approved, then [this act] is void."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Excused: Fisher, Shea.

Total 2

Absent or not voting: Curtiss, Grady, Menahan, Ohs, Rehbein.

Total 5

Representative Cobb moved HB 209, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Curtiss, Rehbein.

Total 2

Voted Absentee: Shea, Aye; Curtiss, No.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

Representative Hayne excused at this time.

**HB 535** - Representative Harrington moved HB 535 do pass. Motion failed as follows:

Ayes: Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Ellis, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Somerville, Squires, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wennemar, Wyatt.

Total 45

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Marshall, McGee, Murdock, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Voted Absentee: Shea, Aye; Curtiss, Hayne, Noes.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Excused: Fisher.

Total 1

Absent or not voting: Heavy Runner, Orr.

Total 2

**HB 567** - Representative Hibbard moved consideration of HB 567 be placed below HB 346 on the second reading board. Motion carried.

**HB 346** - Representative Elliott moved HB 346 do pass.

Representative Somerville moved HB 346, second reading copy, be further amended as follows (amendment #2):

1. Page 3, line 8.

Strike: "25 %"

Insert: "20 %"

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Ellingson, Elliott, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kadas, Larson, McCulloch, Menahan, Molnar, Pavlovich, Ream, Schwinden, Tropila, Tuss, Vick.

Total 20

Voted Absentee: Curtiss, Hayne, Ayes.

Excused: Fisher, Shea.

Total 2

Absent or not voting: Wennemar.

Total 1

Representative Elliott moved HB 346, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, Denny, Devaney, Elliott, Ellis, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Arnott, Bergsagel, Cobb, Cocchiarella, DeBruycker, Ellingson, Ewer, Feland, Harrington, Heavy Runner, Kasten, Orr, Peck, Ream.  
Total 14

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

**HB 567** - Representative Hibbard moved HB 567, second reading copy, be amended as follows (amendment #1).

1. Title, lines 12 and 13.  
Strike: "AUTHORIZING" on line 12 through "COMPANY;" on line 13

2. Title, line 17.  
Strike: "90-8-202,"

3. Title, line 18.  
Strike: "AND" through "PROVISION"

4. Page 5, line 8 through page 7, line 28.  
Strike: Section 4 in its entirety  
Renumber: subsequent sections

5. Page 13, lines 5 through 9.  
Strike: Section 11 in its entirety  
Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Kitzenberg, Rehbein.  
Total 2



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Excused: Curtiss, Fisher, Hayne, Shea.

Total 4

Absent or not voting: Wells.

Total 1

Representative Hibbard moved HB 567, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Elliott, Feland, R. Johnson, Peck, Wennemar.

Total 6

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: Kottel.

Total 1

**HB 17** - Representative Wiseman moved HB 17, second reading copy, be amended as follows (amendment #1):

1. Page 31, line 1.

Strike: "14,252"	"6,028"	"47,690"	"18,293"
------------------	---------	----------	----------

Insert: "175,407"	"9,565"	"281,401"	"23,291"
-------------------	---------	-----------	----------

2. Page 31, line 3.

Strike: "2,329,558"	"858,315"	"4,709,719"	"1,909,246"
---------------------	-----------	-------------	-------------

Insert: "2,186,361"	"1,405,233"	"4,565,478"	"2,876,264"
---------------------	-------------	-------------	-------------

3. Page 31, line 5.

Strike: "2,419,353"	"3,795,564"	"6,451,503"	"10,770,645"
---------------------	-------------	-------------	--------------

Insert: "2,441,914"	"3,803,043"	"6,486,487"	"10,785,119"
---------------------	-------------	-------------	--------------

Amendments 1) and 3) provide funding for the elected official and training coordinator for county attorneys' salary increases amended into the bill by the House Appropriations Committee on March 14, 1995. The amendments provide \$452,411 of general funds to cover the cost of these pay increases for the 1997 biennium.

Amendment 2) corrects the general fund and other funds amounts for the university system, including the Office

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

of the Commissioner of Higher Education. It includes an adjustment for the assumed failure of SB 396, which would have included community colleges in the system. The amendment reduces the general fund appropriation by \$287,438.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Mr. Speaker.  
Total 84

Noes: Boharski, DeBruycker, Feland, Jore, Rehbein, S. Smith, Wagner, Wyatt.  
Total 8

Voted Absentee: Hayne, Aye.

Excused: Curtiss, Fisher, Shea.  
Total 3

Absent or not voting: Cobb, Herron, Kasten, Orr, Zook.  
Total 5

Representative Wiseman moved HB 17, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rose, Ryan, Shea, Simon, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Arnott, Bergsagel, Boharski, DeBruycker, Devaney, Elliott, Feland, Fuchs, Green, Heavy Runner, Herron, Jore, Kasten, Keenan, Marshall, McCann, Molnar, Murdock, Peck, Raney, Rehbein, Schwinden, Simpkins, Sliter, S. Smith, Somerville, Vick, Wagner, Wells, Wennemar, Wyatt.  
Total 31

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

**HB 268** - Representative Wyatt moved HB 268, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: DeBruycker, Ewer, Feland, Fuchs, Harper, R. Johnson, Jore, Kasten, Peck, Ryan, Swanson, Vick, Wyatt.  
Total 13

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 81

Voted Absentee: Shea, No.

Excused: Curtiss, Fisher, Hayne.  
Total 3

Absent or not voting: Barnhart, H.S. Hanson, Mills.  
Total 3

Representative Ahner moved HB 268 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Bergsagel, Boharski, DeBruycker, Green, M. Hanson, Jore, Kasten, Marshall, McCann, Molnar, Nelson, Rehbein, S. Smith, Story, Vick, Wennemar.  
Total 16

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.  
Total 1

Absent or not voting: Clark.  
Total 1

**HB 2** - Representative Zook moved HB 2, as amended, do pass.



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Representative Sliter moved to reopen debate on Section B of HB 2. Motion carried. (61-31)

Representative Sliter moved HB 2, Section B, second reading copy, be further amended (amendment #29).

Representative Sliter withdrew Amendment #29.

Representative Mercer moved to reopen debate on Section BP of HB 2. Motion carried.

Representative Mercer moved HB 2, Section BP, second reading copy, be further amended (amendment #3).

Representative Mercer withdrew Amendment #3.

Representative Mercer moved HB 2, Section BP, second reading copy, be further amended as follows (amendment #3):

1. Page BP-3, line 6.

Following: line 5

Insert: "

NEW SECTION. Section 11. Corresponding reductions in appropriations. In accordance with Joint Rule 40-180(2), the reductions in appropriations from the introduced version of [this act] correspond to the reductions in revenue in House Bills No. 202, 560, and 90."

Renumber: subsequent sections

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Ellingson, Galvin, Peck, Schwinden, Shea.

Total 5

Voted Absentee: Shea, No.

Excused: Curtiss, Fisher, Hayne.

Total 3

Absent or not voting: Grimes, Hurdle, Rose, Tuss.

Total 4

Representative Sliter moved HB 2, Section B, second reading copy, be further amended as follows (amendment #29):

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

1. Page B-13, following line 4.

Insert: "Contingent on passage and approval of a bill to statutorily eliminate the junk vehicle program, item 12 is reduced by \$1,075,688 in state special revenue in fiscal year 1996 and by \$1,088,584 state special revenue in fiscal year 1997. Contingent on passage and approval of this act, all fund balance remaining in the junk vehicle disposal state special revenue account as of July 1, 1995, minus any outstanding obligations, must be deposited in the general fund."

This amendment contingently eliminates all funding for the junk vehicle disposal program and transfers all unobligated fund balance remaining at the end of the year to the general fund.

Amendment #29 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Barnhart, Carey, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, R. Johnson, Larson, McCann, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Schwinden, Squires, Tropila, Tuss, Wennemar, Wyatt.

Total 25

Excused: Curtiss, Fisher, Hayne, Shea.

Total 4

Absent or not voting: S. Smith.

Total 1

Representative Zook moved HB 2, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Raney, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kadas, Kasten, Keenan, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Ream, Rehbein, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 38

Voted Absentee: Curtiss, Hayne, Ayes; Shea, No.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 6** - Representative Bergsagel moved HB 6 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Arnott, DeBruycker, Feland, Heavy Runner, R. Johnson, Jore, Kasten, Rehbein, Sliter, S. Smith, Somerville, Wagner, Wiseman.

Total 13

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: Ewer, Nelson.

Total 2

**HB 7** - Representative Bergsagel moved HB 7 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, R. Johnson, Jore, Kasten, S. Smith, Tash.

Total 6

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.

Total 1



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Absent or not voting: Boharski.

Total 1

**HB 21** - Representative Squires moved HB 21 do pass. Motion carried as follows:

Ayes: Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook.

Total 64

Noes: Ahner, Anderson, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Green, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Holland, Jore, Kadas, Kasten, Keenan, Marshall, Martinez, Orr, Rehbein, Sliter, S. Smith, Soft, Somerville, Stovall, Tash, Vick, Wells, Mr. Speaker.

Total 35

Voted Absentee: Shea, Aye; Curtiss, Hayne, Noes.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 550** - Representative Kasten moved HB 550 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Tropila, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Barnett, DeBruycker, Denny, Ellingson, Green, Jore, McCann, Murdock, Ream, Rehbein, S. Smith, Swanson, Trexler, Tuss, Vick, Wagner, Wyatt.

Total 18

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: Grady.

Total 1

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

**HB 279** - Representative Ohs moved HB 279 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Brainard, Cobb, Curtiss, DeBruycker, Elliott, Green, Jore, Kottel, Orr, Peck, S. Smith, Wagner, Wiseman.  
Total 13

Voted Absentee: Hayne, Shea, Ayes; Curtiss, No.

Excused: Fisher.  
Total 1

Absent or not voting: Arnott, Ohs.  
Total 2

**HB 485** - Representative Bergsagel moved HB 485 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Clark, Cocchiarella, DeBruycker, Ellingson, Ewer, Hagener, Harper, Heavy Runner, Hurdle, Kadas, McCann, Peck, Raney, Ream, Ryan, Squires, Wyatt.  
Total 17

Voted Absentee: Curtiss, Hayne, Shea, Ayes.

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

**HB 509** - Representative Anderson moved HB 509 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Boharski, Bohlinger, Curtiss, Devaney, Ellis, Ewer, Feland,

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Fisher, Forbes, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, R. Johnson, Kadas, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Simon, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Bergman, Bergsagel, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Galvin, Grady, Harrington, Holland, J. Johnson, Jore, Kasten, Keenan, Larson, Martinez, Pavlovich, Rehbein, Schwinden, Shea, Simpkins, Tropila, Vick, Wagner, Wennemar, Wyatt.

Total 31

Voted Absentee: Curtiss, Fisher, Hayne, Ayes; Shea, No.

Excused: None.

Total 0

Absent or not voting: Kitzenberg, Soft.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (65-27)

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

3/18/95

Correctly enrolled: HB 368, HB 385, HB 436, HB 454.

Examined by the sponsor and found to be correct: HB 385, HB 436, HB 454.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

3/18/95

**HJR 4**, introduced by Pavlovich

House bills concurred in and returned to the House:

3/18/95

**HB 355**, introduced by Rehbein

**HB 461**, introduced by Ryan

**HB 475**, introduced by Forbes

**HB 489**, introduced by Grady

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/18/95

**HB 200**, introduced by Bergman



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 18, 1995

Senate bill passed and transmitted to the House for concurrence:

3/18/95

**SB 219**, introduced by Doherty

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 604**, introduced by Boharski, referred to Committee on Local Government.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Monday, March 20, 1995. Motion carried.

House adjourned at 4:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 20, 1995

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Antoinette R. Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Elliott, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-ninth and sixtieth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

3/20/95

Correctly engrossed for third reading: HB 2, HB 6, HB 7, HB 17, HB 19, HB 21, HB 90, HB 202, HB 209, HB 268, HB 279, HB 293, HB 346, HB 485, HB 497, HB 509, HB 550, HB 560, HB 567.

Correctly enrolled: HB 355, HB 461, HB 475, HB 489, HJR 4.

Examined by the sponsor and found to be correct: HB 355, HB 368, HB 461, HB 475, HB 489, HJR 4.

Delivered to the Governor for his approval at 9:20 a.m., 3/20/95: HB 11, HB 62, HB 77, HB 100, HB 117, HB 135, HB 137, HB 154, HB 165, HB 166, HB 169, HB 185, HB 188, HB 215, HB 226, HB 235, HB 245, HB 252, HB 253, HB 263, HB 274, HB 292, HB 318, HB 319, HB 329, HB 342, HB 381, HB 408, HB 411, HB 474, HB 520, HB 527, HB 549.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 219**, introduced by Doherty, referred to Committee on Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 15** - Representative McCann moved HB 15, second reading copy, be amended as follows (amendment #1):

1. Page 2, following line 17.

Insert: "DEPARTMENT OF LABOR AND INDUSTRY

Job Service Office, Havre

350,000"

2. Page 2, line 19.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Following: "Authorization of bonds."

Insert: "(1)"

3. Page 2, following line 25.

Insert: "(2) It is the intent of the 54th legislature that debt service payments for the Havre job service office be paid with federal funds. If federal funds become unavailable, however, the department of labor and industry is directed to reduce operating or personal services costs in order to service the debt. The debt service payments for the job service office are not to be paid with general fund money. The department is also encouraged to pursue the purchase of an existing building in Havre as an alternative to new construction."

Amendment #1 passed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, Menahan, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wennemar, Wyatt.

Total 45

Noes: Anderson, Arnott, Bergman, Bergsagel, Bohlinger, Brainard, Feland, Fisher, Grady, Green, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Martinez, Masolo, McKee, Murdock, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Somerville, Stovall, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 36

Excused: Elliott.

Total 1

Absent or not voting: Ahner, Barnett, Boharski, Clark, Curtiss, Devaney, Ellis, Forbes, Fuchs, Grimes, Grinde, Keenan, McGee, Mills, Molnar, Simon, Sliter, Soft.

Total 18

Representative Bergsagel moved HB 15, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Green, Jore, Kasten, Rehbein, Simpkins, S. Smith.

Total 6

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Absent or not voting: Boharski, Curtiss, Fuchs, Herron, Keenan, Molnar, Sliter, Soft, Tuss.  
Total 9

**HB 585** - Representative Bergsagel moved HB 585 do pass.

Representative Cobb moved HB 585, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Ahner, Boharski, Brainard, Cobb, Curtiss, Ellis, Fuchs, Harper, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kottel, Larson, Martinez, Masolo, McGee, McKee, Murdock, Nelson, Orr, Pavlovich, Raney, Rehbein, Rose, Ryan, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Trexler, Tuss, Vick, Wagner, Mr. Speaker.  
Total 42

Noes: Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Ellingson, Ewer, Feland, Fisher, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, McCann, McCulloch, Menahan, Molnar, Peck, Quilici, Ream, Schwinden, Shea, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 49

Excused: Elliott.  
Total 1

Absent or not voting: Barnett, Devaney, Forbes, Herron, Marshall, Mills, Ohs, Simon.  
Total 8

The do pass motion of Representative Bergsagel carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Peck.  
Total 2

Voted Absentee: Elliott, Aye.

Excused: None.  
Total 0

Absent or not voting: Forbes, Grinde, Herron, Marshall, Ohs.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Total 5

**HB 584** - Representative Tropila moved consideration of HB 584 be placed below HB 594 on the second reading board. Motion carried.

Representative Elliott present at this time.

**HB 594** - Representative Bergsagel moved HB 594 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Bergman, Bergsagel, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Squires, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Arnott, Barnhart, Boharski, Bohlinger, Cobb, Elliott, Fisher, Fuchs, Green, Hagener, Herron, Hurdle, R. Johnson, Jore, Kasten, Keenan, Molnar, Nelson, Peck, Rehbein, Simon, S. Smith, Somerville, Story, Stovall, Vick, Wells, Wiseman.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 584** - Representative Bergsagel moved HB 584 do pass.

Representative Tropila moved HB 584, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Bohlinger, Brainard, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Ellis, Feland, Forbes, Fuchs, Galvin, Harrington, Hayne, Heavy Runner, Hurdle, Jore, Kasten, Kottel, Larson, Marshall, McGee, Menahan, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simpkins, L. Smith, Somerville, Story, Swanson, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt.

Total 42

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Carey, Clark, Denny, Devaney, Elliott, Ewer, Fisher, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McCulloch, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Ream, Schwinden, Simon, Sliter, S. Smith, Soft, Squires, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Zook, Mr. Speaker.

Total 57

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Absent or not voting: Grinde.

Total 1

Representative Grinde moved HB 584, second reading copy, be amended as follows (amendment #2):

1. Page 1, line 21.

Strike: "LEWIS AND CLARK"

Insert: "Fergus"

2. Page 1, line 23.

Strike: "Mountain" through "Helena"

Insert: "Maiden Valley Military Institute in Lewistown"

3. Page 2, line 10.

Strike: "LEWIS AND CLARK"

Insert: "Fergus"

Amendment #2 passed as follows:

Ayes: Anderson, Arnott, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Green, Grinde, M. Hanson, Hayne, Heavy Runner, Hurdle, Jore, Kasten, Kitzenberg, Marshall, Martinez, McGee, Mills, Nelson, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Ryan, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tuss, Wagner, Wells, Wyatt, Zook.

Total 51

Noes: Ahner, Barnett, Barnhart, Bergsagel, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Molnar, Murdock, Ohs, Quilici, Ream, Schwinden, Shea, Simon, Squires, Swanson, Vick, Wennemar, Wiseman, Mr. Speaker.

Total 43

Excused: None.

Total 0

Absent or not voting: Bergman, Keenan, Knox, Menahan, Soft, Tropila.

Total 6

Representative Kottel moved HB 584, second reading copy, be further amended (amendment #3).

Representative Elliott moved to segregate Section #1. Motion failed as follows: (27-70)

Amendment #3 failed as follows:

Ayes: Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Fisher, Galvin, Hagener, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, Marshall, McCulloch, Mills, Peck, Quilici, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Story, Swanson, Tropila, Tuss, Wennemar.

Total 32

Noes: Ahner, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny,



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Devaney, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Raney, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

Representative Bergsagel moved HB 584, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Bergsagel, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Larson, Martinez, Masolo, McCann, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Tash, Trexler, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 65

Noes: Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Carey, Cobb, Denny, Ellingson, Elliott, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kottel, Marshall, McCulloch, Mills, Peck, Rehbein, Ryan, Schwinden, Soft, Squires, Story, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Wennemar.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Vick moved that the Committee of the Whole report be adopted. Report adopted. (86-13)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Clark, Elliott, Feland, Galvin, M. Hanson, Larson, Murdock, Taylor, Wyatt.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Denny, Ellingson, Molnar, Tuss.  
Total 4

**HB 497** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergman, DeBruycker, Jore, Kasten, McCann, McGee, Orr, Rehbein, S. Smith.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 202** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Noes: Hurdle, Kasten, Ream, Wennemar.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Ream, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Carey, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kadas, Kottel, Larson, Marshall, McCulloch, Pavlovich, Peck, Quilici, Ryan, Shea, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 30

Excused: None.

Total 0

Absent or not voting: Devaney, Feland, Green, Mills.

Total 4

**HB 268** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 78

Noes: Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Feland, Green, M. Hanson, Jore, Kasten, Marshall, Martinez, McCann, Nelson, Peck, Rehbein, S. Smith, Story, Taylor, Vick, Zook.

Total 21

Excused: None.

Total 0



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Absent or not voting: Wagner.

Total 1

**HB 6** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Feland, R. Johnson, Jore, Kasten, Keenan, Peck, Rehbein, S. Smith, Somerville, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, R. Johnson, Jore, Kasten, Keenan, S. Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 550** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Cobb, Cocchiarella, Curtiss, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Arnott, DeBruycker, Denny, Ellingson, Galvin, Green, Hurdle, Jore, McCann, Murdock, Ream, Ryan, Shea, S. Smith, Swanson, Trexler, Vick, Wagner, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

**HB 279** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Arnott, Brainard, Cobb, DeBruycker, Elliott, Fisher, Green, Jore, Keenan, Orr, Peck, S. Smith, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: Rehbein.

Total 1

**HB 485** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 80

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Noes: Clark, DeBruycker, Ellingson, Ewer, Green, Hagener, Harper, Heavy Runner, Hurdle, Kadas, Kasten, Keenan, McCann, Peck, Raney, Ream, Shea, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: Anderson, Rose.

Total 2

**HB 509** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wells, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Bergsagel, Brainard, Carey, Clark, Cobb, DeBruycker, Ellingson, Elliott, Galvin, Holland, J. Johnson, Jore, Kasten, Keenan, Martinez, Nelson, Rehbein, Schwinden, Simpkins, L. Smith, Tropila, Vick, Wagner, Wennemar, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 293** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker, McGee.

Total 2

Excused: None.

Total 0



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Absent or not voting: None.  
Total 0

**HB 346** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hager, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kiuzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Arnott, Bergsagel, Clark, Cobb, DeBruycker, Ellingson, Ewer, Harrington, Heavy Runner, Kasten, McCann, Orr, Peck, Ream.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 560** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Carey, Ellingson, Elliott, Ewer, Fisher, Hager, Harrington, Hayne, Hurdle, Kadas, Kasten, Ream, Schwinden, Wennemar.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Heavy Runner.  
Total 1

**HB 209** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 567** - Representative Grinde moved consideration of HB 567 be passed for the day. Motion carried.

**HB 17** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, L. Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Arnott, Barnett, Boharski, Curtiss, DeBruycker, Devaney, Elliott, Feland, Fuchs, Heavy Runner, Herron, Hurdle, Jore, Kasten, Keenan, Martinez, McCann, Molnar, Murdock, Peck, Rehbein, Schwinden, Simpkins, Sliter, S. Smith, Somerville, Vick, Wagner, Wells, Wennemar, Wyatt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Swanson.  
Total 1

**HB 2** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Quilici, Raney, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Total 62

Noes: Arnott, Boharski, Carey, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Herron, Hurdle, Jore, Kadas, Kasten, Keenan, Kottel, Larson, McCulloch, Molnar, Pavlovich, Peck, Ream, Rehbein, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 15 & HB 585** - Representative Simon moved that the members of the Business and Labor Committee be allowed to cast their votes on HB 15 and HB 585. Motion carried.

Representative Grinde moved the rules be suspended to permit placement and consideration of remaining Appropriations bills on second and third readings and transmittal to the Senate. Motion carried.

**HB 584** - Representative Wennemar moved he be allowed to change his vote on HB 584, amendment #2, second reading, from aye to nay. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 3/20/95  
Correctly printed for second reading: HB 363, HB 552, HB 577, HB 578, HB 593.

**APPROPRIATIONS** (Zook, Chairman): 3/20/95  
**HB 552**, introduced bill, do pass. Report adopted.

**HB 577**, introduced bill, do pass. Report adopted.

**HB 578**, introduced bill, do pass. Report adopted.

**HEALTH CARE** (Orr, Chairman): 3/20/95  
**SB 376**, be amended as follows: •

1. Page 1.

Following: line 9

Insert:

**"STATEMENT OF INTENT**

A statement of intent is provided for this bill because [section 8] requires the commissioner of insurance to adopt rules regarding supervision, rehabilitation, and liquidation of self-funded multiple employer welfare arrangements that fail to meet the minimum level of reserves required by [section 8]. The rules adopted by the commissioner to implement [section 8] should be consistent with Title 33, chapter 2, part 13, and should change the application of those provisions only to the extent necessary to be consistent with the purposes of this bill."



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

2. Page 4, line 16.

Strike: subsection (A) in its entirety

Renumber: subsequent subsections

3. Page 5, line 17.

Following: "description"

Insert: "or summary plan descriptions"

4. Page 5, line 24.

Following: "33-2-514"

Strike: " ; "

Insert: ". The commissioner may, in the commissioner's discretion, waive the requirement of an actuarial opinion and require a report by an actuarial firm."

5. Page 6, line 14.

Following: "arrangement."

Insert: "The commissioner may adopt rules regarding the supervision, rehabilitation, and liquidation of self-funded multiple employer welfare arrangements that fail to maintain the level of reserves required by this section."

6. Page 6, lines 23 and 24.

Strike: "certified actuarial report obtained by the arrangement"

Insert: "report prepared by an actuarial firm"

7. Page 7, line 13.

Following: "33-2-514"

Strike: " ; "

Insert: ". The commissioner may, in the commissioner's discretion, waive the requirement of an actuarial opinion and require a report prepared by an actuarial firm and, upon a showing of good cause, may extend by 30 days the filing date for the report."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/20/95

**HB 593**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MEMBERS;"

Insert: "EXTENDING TERMS FROM 4 YEARS TO 6 YEARS;"

2. Title, line 6.

Strike: "ELECTION" in 2 places

Insert: "APPOINTMENT"

Strike: "ON A NONPARTISAN BASIS"

3. Title, line 8.

Following: "SECTIONS"

Insert: "5-7-102, 13-12-207"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

13-37-216, 13-37-226,"  
Following: "69-1-105,"  
Insert: "69-1-106, 69-1-107,"  
Strike: "69-1-224"  
Insert: "69-1-403"

4. Page 1, line 11.

Insert: "Section 5. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Business" means:

(a) ■ holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed person, holding company, joint stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

(b) present or past employment from which benefits, including retirement allowances, are received.

(2) "Commissioner" means the commissioner of political practices.

(3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, ~~public service commissioners,~~ and district court judges. The term "official-elect" also applies to the offices.

(5) "Individual" means a human being.

(6) "Lobbying" means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and

(b) the practice of promoting or opposing official action by any public official.

(7) "Lobbying for hire" includes activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is reimbursed only for his personal living and travel expenses, which together are less than \$1,000 per calendar year, that individual is not considered to be lobbying for hire.

(8) (a) "Lobbyist" means a person who engages in the practice of lobbying for hire.

(b) Lobbyist does not include:

(i) an individual acting solely on his own behalf; or

(ii) an individual working for the same principal as a licensed lobbyist if the individual does not have personal contact involving lobbying with a public official on behalf of his principal.

(c) Nothing in this section deprives an individual not lobbying for hire of the constitutional right to communicate with public officials.

(9) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value.

(10) "Payment to influence official action" means any of the following types of payment:

(a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or reimbursement for expenses, excluding personal living expenses; or

(b) payment in support of or assistance to a lobbyist or a lobbying activity, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.

(11) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision of state or local government, or other organization or group of persons.

(12) "Principal" means a person who employs a lobbyist.

(13) "Public official" means an individual, elected or appointed, acting in ~~his~~ an official capacity for the state government. The term does not include those acting in a judicial or quasi-judicial capacity or performing

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

ministerial acts.

(14) "Unprofessional conduct" means:

- (a) violating any of the provisions of this chapter;
- (b) instigating action by a public official for the purpose of obtaining employment;
- (c) attempting to influence the action of a public official on a measure pending or to be proposed by:
  - (i) promising financial support; or
  - (ii) making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or
- (d) attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official."

Section 6. Section 13-12-207, MCA, is amended to read:

"13-12-207. Order of placement. (1) The order on the ballot for state and national offices ~~shall~~ must be as follows:

(a) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line ~~shall~~ must be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party ~~shall~~ must be grouped together.

- (b) United States senator;
- (c) United States representative;
- (d) Governor and lieutenant governor;
- (e) Secretary of state;
- (f) Attorney general;
- (g) State auditor;
- ~~(h) Public service commissioners;~~
- ~~(i)(h)~~ (h) State superintendent of public instruction;
- ~~(j)(i)~~ (i) Clerk of the supreme court;
- ~~(k)(j)~~ (j) Chief justice of the supreme court;
- ~~(l)(k)~~ (k) Justices of the supreme court;
- ~~(m)(l)~~ (l) District court judges;
- ~~(n)(m)~~ (m) State senators;
- ~~(o)(n)~~ (n) Members of the house of representatives.

(2) The following order of placement ~~shall~~ must be observed for county offices:

- (a) clerk of the district court;
- (b) county commissioner;
- (c) county clerk and recorder;
- (d) sheriff;
- (e) coroner;
- (f) county attorney;
- (g) county superintendent of schools;
- (h) county auditor;
- (i) public administrator;
- (j) county assessor;
- (k) county treasurer;
- (l) surveyor;
- (m) justice of the peace.

(3) The secretary of state shall designate the order for placement on the ballot of any offices not on the ~~above~~ lists in subsections (1) and (2), except that the election administrator shall designate the order of placement for municipal, charter, consolidated, or confederated local government offices and district offices when the district



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

is part of only one county.

(4) Constitutional amendments ~~shall~~ must be placed before statewide referendum and initiative measures. Ballot issues for a county, municipality, school district, or other political subdivision ~~shall~~ must follow statewide measures in the order designated by the election administrator.

(5) If any offices are not to be elected they ~~shall~~ may not be listed, but the order of the offices to be filled ~~shall~~ must be maintained.

(6) If there is a short-term and a long-term election for the same office, the long-term office ~~shall~~ must precede the short-term."

Section 7. Section 13-37-216, MCA, is amended to read:

"13-37-216. Limitations on contributions. (1) (a) Aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$400;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$200;

(iii) for a candidate for any other public office, not to exceed \$100.

(b) A contribution to a candidate includes contributions made to the candidate's committee and to any political committee organized on the candidate's behalf.

(2) (a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this section, an independent committee means a committee which is not specifically organized on behalf of a particular candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) All political committees except those of political party organizations are subject to the provisions of subsections (1) and (2). For purposes of this subsection, "political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election. Political party organizations may form political committees that are subject to the following aggregate limitations from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$15,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$5,000;

~~(c) for a candidate for public service commissioner, not to exceed \$2,000;~~

~~(d)(c)~~ for a candidate for the state senate, not to exceed \$800;

~~(e)(d)~~ for a candidate for any other public office, not to exceed \$500.

(4) A candidate may not accept any contributions in excess of the limits in this section.

(5) For purposes of this section, "election" means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply."

Section 8. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports:

(i) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

(b) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before and the day of the election;

(c) not more than 20 days after the date of the election; and

(d) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that an issue subject to a referendum is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, ~~the public service commission~~, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more if received between the 17th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file reports:

(a) on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a closing report at the close of each calendar year, on a date to be prescribed by the commissioner.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are not primary political committees but are incidental political committees shall report their politically related activities in accordance with this chapter.

(7) All reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-225(2) and this section."

Renumber: subsequent sections

9. Page 1, lines 14 and 15.

Following: "electors" on line 14

Strike: remainder of line 14 through "district" on line 15

Following: "."

Insert: "The members of the commission must be appointed by the governor and confirmed by the senate. Not



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

more than two of the members may be members of the same political party."

10. Page 1, line 19.

Strike: "elected on a nonpartisan basis"

Insert: "appointed"

11. Page 2, line 6.

Strike: "5"

Insert: "11"

12. Page 2, line 7.

Strike: "elected"

Insert: "appointed"

13. Page 2, line 8.

Strike: "for other state officers"

Strike: "election"

Insert: "appointment"

14. Page 2, line 10.

Strike: "elected and qualified"

Insert: "appointed and takes office"

15. Page 2, line 12 through page 3, line 20.

Strike: section 4 in its entirety

Insert: "Section 8. Section 69-1-106, MCA, is amended to read:

"69-1-106. Vacancies. Any vacancy occurring in the commission ~~shall~~ must be filled by appointment by the governor. ~~Such appointee shall hold office until the next general election and until his successor is elected and qualified. At the biennial election following the occurrence of any vacancy in the commission, there shall be elected one member to fill out~~ If the senate is adjourned, the appointment is subject to confirmation when the senate is in session. An appointment to fill a vacancy is for the unexpired term for which ~~such~~ the vacancy exists."

Section 9. Section 69-1-107, MCA, is amended to read:

"69-1-107. ~~Chairman~~ Presiding officer of commission. A ~~chairman shall~~ presiding officer must be selected by the commission from its membership at the first meeting of each odd-numbered year ~~after a general election.~~"

Section 10. Section 69-1-403, MCA, is amended to read:

"69-1-403. Determination and collection of fee. (1) The fee provided for in 69-1-402 to be paid by regulated companies must be determined in the manner set forth in 69-1-224 for determining the consumer counsel fee, except that gross revenues from sales to other regulated companies for resale, as calculated by the public service commission, must be excluded from the determination of the total gross operating revenue pursuant to 69-1-224.

(2) The department of revenue shall give notice by mail to each regulated company of the percentage determined pursuant to 69-1-224 and this section to be applied to gross operating revenues reported under 69-1-223, excluding gross revenues from sales to other regulated companies for resale.

(3) The fee provided for in 69-1-402 may be computed and collected in the manner provided in 69-1-225 through 69-1-227. The fee calculated under this section in August 1997 must take into account the provisions of 69-1-103.

(4) All fees paid by a regulated company pursuant to this section are immediately recoverable by the regulated company in its rates and charges. Within 30 days after the issuance by the department of revenue of the



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

notice required by 69-1-224(1), the public service commission shall by separate order authorize each regulated company to fully recover in its rates and charges, on an annual basis, the fees levied by this part.""

Renumber: subsequent sections

16. Page 3, lines 23 through 26.

Following: "commissioners" on line 23

Strike: remainder of line 23 through "term." on line 26

Insert: "continue until expiration of the term. The governor shall appoint initial members to staggered terms in order to provide for the expiration of a term every 2 years."

17. Page 3, lines 28 and 29.

Strike: section 6 in its entirety

Renumber: subsequent sections

18. Page 4, lines 7 and 8.

Following: "is" on line 7

Strike: remainder of line 7 through "period"" on line 8

Insert: "void"

And, as amended, do pass. Report adopted.

**SB 98**, be amended as follows:

1. Title, lines 4 and 5.

Strike: "GENERALLY" on line 4 through "ELECTIONS;" on line 5

2. Title, line 12.

Following: "~~ELECTIONS;~~"

Insert: "AND"

3. Title, line 13.

Strike: "; AND AMENDING"

4. Title, line 14.

Strike: "SECTION"

Strike: "3-15-402,"

Strike: "MCA"

5. Page 2, lines 1 through 11.

Strike: Section 1 in its entirety

Renumber: subsequent sections

6. Page 5, lines 16 and 18.

Strike: "2"

Insert: "1"

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

SB 193, be concurred in. Report adopted.

SB 324, be amended as follows:

1. Page 1, line 15.

Strike: "refuse to provide"

Insert: "make the provision of"

Strike: ", which"

Insert: "that"

2. Page 1, line 16.

Strike: ", unless"

Insert: "contingent on"

Strike: "takes"

Insert: "taking"

And, as amended, be concurred in. Report adopted.

SJR 8, be amended as follows:

1. Title, line 5.

Strike: "EACH YEAR"

Insert: "1995"

2. Page 1, line 28.

Strike: "each year"

Insert: "1995"

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/20/95

HB 363, introduced bill, be amended as follows:

1. Title, line 12.

Following: "TRAILERS"

Insert: ", POLE TRAILERS,"

2. Page 3, line 6.

Page 35, line 1.

Following: "trailers" or "trailers"

Insert: ", pole trailers,"

3. Page 32, line 11.

Strike: "91"

Insert: "75"

4. Page 32, line 12.

Strike: "82"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

Insert: "75"

5. Page 32, line 13.

Strike: "72"

Insert: "69"

6. Page 32, line 14.

Strike: "63"

Insert: "64"

7. Page 32, line 15.

Strike: "53"

Insert: "58"

8. Page 32, line 16.

Strike: "44"

Insert: "48"

9. Page 32, line 17.

Strike: "34"

Insert: "37"

10. Page 32, line 18.

Strike: "25"

Insert: "26"

11. Page 32, line 19.

Strike: "17"

Insert: "15"

12. Page 32, line 28.

Following: "vehicle."

Insert: "The starting valuation for motor vehicles with a manufacturer's rated capacity of 1 1/2 tons or more is the lesser of the manufacturer's suggested retail price or 110% of the quotient of the actual acquired cost divided by the percentage multiplier applicable to the vehicle at the time of acquisition."

13. Page 34, line 30.

Page 35, line 4.

Following: "trailer"

Insert: ", pole trailer,"

And, as amended, do pass. Report adopted.

**SB 198**, be amended as follows:

1. Title, line 10.

Following: "~~LAND~~:"

Insert: "ESTABLISHING AN ADVISORY COMMITTEE TO STUDY METHODS FOR USING SOIL



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

CAPABILITY FOR THE VALUATION OF AGRICULTURAL LAND;"

2. Title, line 11.

Strike: "AND"

Insert: ", "

3. Title, line 12.

Strike: "AND A CONTINGENT VOIDNESS PROVISION"

Insert: ", AND A TERMINATION DATE"

4. Page 6, line 16.

Insert: "NEW SECTION. Section 4. Advisory committee -- study of soil capability for valuation of agricultural land. (1) The governor shall appoint an advisory committee to study methods for determining the productive capability of soils and methods for using the productive capability of soils for the valuation of agricultural lands for property tax purposes. The advisory committee shall also consider the extent to which economic factors, such as land use and management practices, influence the valuation of agricultural land for property tax purposes.

(2) The membership of the committee must include persons who are knowledgeable in the following areas:

(a) principles and practices of property taxation;

(b) irrigated agricultural practices and production;

(c) nonirrigated agricultural practices and production;

(d) livestock grazing practices and production;

(e) agricultural management practices; and

(f) financial management.

(3) The committee must also include two members representing Montana state university. One member must be knowledgeable in soil characteristics as these characteristics relate to the productivity of agricultural land. The other member must be knowledgeable in agricultural economics.

(4) The committee shall report its findings and recommendations to the department of revenue by July 1, 1996."

Renumber: subsequent sections

5. Page 6, lines 19 through 23.

Strike: section 5 in its entirety

Renumber: subsequent sections

6. Page 6, line 25.

Strike: "5, AND"

Insert: "4, "

Following: "7"

Insert: ", 8, "

7. Page 6, line 28.

Strike: "4"

Insert: "5"

8. Page 7.

Following: line 4

Insert: "NEW SECTION. Section 8. Termination. [Section 4] terminates July 1, 1997."

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 20, 1995

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 605**, introduced by Grady, referred to Committee on Appropriations.

**ANNOUNCEMENTS**

Representative Tropila rose on a point of personal privilege and gave the following statement:

When I served in the House back when Representatives Sliter and Wennemar were only 10 years old, I make a motion to remove the Press from the floor of the Chamber and place them into the gallery. It seems that misquotes were printed, Representatives were credited with saying things said by others, and I see that times have not changed. Yesterday on this floor I respectfully and sincerely amended a bill to place the Law Enforcement Academy in Great Falls. A reporter (nameless) from a press association (nameless), who probably was not even in the Chamber as I remember, quoted me as saying that Great Falls deserves this plum. I did not say these words. I respectfully ask for a retraction or an apology.

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Tuesday, March 21, 1995. Motion carried.

House adjourned at 3:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 21, 1995

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rick Jore. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 3/21/95  
Correctly engrossed for third reading: HB 15, HB 584, HB 585, HB 594.  
Signed by the Speaker at 2:00 p.m., 3/20/95: HB 355, HB 368, HB 385, HB 436, HB 454, HB 461, HB 475, HB 489, HJR 4.

**NATURAL RESOURCES** (Knox, Chairman): 3/21/95  
**SB 386**, be amended as follows:

1. Page 6, line 27.  
Following: "RESIDENTIAL"  
Insert: "underground storage"

2. Page 6, line 29.  
Following: "RESIDENTIAL"  
Insert: "underground storage"

And, as amended, be concurred in. Report adopted.

**SB 406**, be amended as follows:

1. Page 1, lines 17 through 20.  
Strike: subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/20/95

**HB 55**, introduced by Bohlinger  
**HB 65**, introduced by McKee  
**HB 219**, introduced by Kottel  
**HB 259**, introduced by Tuss  
**HB 270**, introduced by McCulloch  
**HB 320**, introduced by Galvin  
**HB 335**, introduced by Squires  
**HB 372**, introduced by McKee  
**HB 384**, introduced by Ream

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

HB 428, introduced by Ewer  
HB 431, introduced by Shea  
HB 433, introduced by Grady  
HB 439, introduced by Ohs  
HB 467, introduced by Green  
HB 501, introduced by Anderson  
HB 536, introduced by Mills  
HB 551, introduced by Clark  
HB 553, introduced by Grady  
HJR 22, introduced by Tash  
HJR 25, introduced by Quilici

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/20/95

HB 68, introduced by Schwinden  
HB 150, introduced by Ahner  
HB 240, introduced by Soft  
HB 311, introduced by Grinde  
HB 322, introduced by Hibbard  
HB 380, introduced by McKee  
HJR 16, introduced by Cobb

House amendments to Senate bills concurred in:

SB 8, introduced by Crippen  
SB 78, introduced by Grosfield  
SB 112, introduced by Stang  
SB 121, introduced by Hertel  
SB 122, introduced by Toews  
SB 147, introduced by Hertel  
SB 204, introduced by Grosfield  
SB 207, introduced by Mesaros  
SB 211, introduced by Keating  
SB 258, introduced by Bartlett  
SB 277, introduced by L. Nelson  
SB 355, introduced by Forrester  
SB 374, introduced by Harp

Senate bills passed and transmitted to the House for concurrence:

3/20/95

SB 336, introduced by Beck  
SB 358, introduced by Halligan  
SB 412, introduced by Grosfield

The Senate, on 3/17/95, failed to concur in House amendments to SB 38 and appointed a Joint Conference Committee, requesting that the House appoint a like committee to confer on House amendments to SB 38.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

President Brown appointed the following members:

Senator Benedict, Chairman  
Senator Hertel  
Senator Lynch

The Senate, on 3/18/95, failed to concur in House amendments to SB 163 and appointed a Free Conference Committee, requesting that the House appoint a like committee to confer on House amendments to SB 163.

President Brown appointed the following members:

Senator Jabs, Chairman  
Senator Cole  
Senator Nelson

The Senate, on 3/18/95, failed to concur in House amendments to SB 181 and appointed a Joint Conference Committee, requesting that the House appoint a like committee to confer on House amendments to SB 181.

President Brown appointed the following members:

Senator Grosfield, Chairman  
Senator Tveit  
Senator Weldon

The Senate, on 3/18/95, failed to concur in House amendments to SB 201 and appointed a Joint Conference Committee, requesting that the House appoint a like committee to confer on House amendments to SB 201.

President Brown appointed the following members:

Senator Burnett, Chairman  
Senator Keating  
Senator Van Valkenburg

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 20, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 113 sponsored by Representatives Ewer et al. on March 20, 1995.

Sincerely,

MARC RACICOT  
Governor



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 20, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 278 sponsored by Representative Holland on March 20, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 606**, introduced by Somerville, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 336**, introduced by Beck, referred to Committee on Taxation.

**SB 358**, introduced by Halligan, referred to Committee on Taxation.

**SB 412**, introduced by Grosfield, referred to Committee on Taxation.

Representative Grinde moved the House recess until 12:30 p.m. Motion carried.

House recessed at 12:10 p.m.

House reconvened at 12:40 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Heavy Runner in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Bohlinger excused at this time.

**HB 5** - Representative Bergsagel moved HB 5 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Devaney, Jore, Kasten, Keenan, Peck, Rehbein, Sliter, S. Smith, Somerville.

Total 9

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

**HB 595** - Representative Bergsagel moved HB 595 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Denny, Hurdle, Jore, Kasten, Keenan, Larson, Rehbein, S. Smith, Somerville.

Total 9

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 8** - Representative McCann moved HB 8 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: DeBruycker, Feland, Jore, Kasten, Keenan, Murdock, Rehbein, S. Smith.

Total 8

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 18** - Representative Zook moved HB 18 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Boharski, Cobb, DeBruycker, Denny, Feland, Jore, Kasten, Keenan, Peck, Rehbein, S. Smith, Vick, Wagner.

Total 13

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Curtiss.

Total 1

**HB 3** - Representative Zook moved HB 3 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville,



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Cobb, DeBruycker, Denny, Keenan, McGee, Peck, Rehbein, S. Smith.

Total 9

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar, Simpkins.

Total 2

**HB 513** - Representative DeBruycker moved HB 513 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Devaney, Fisher.

Total 2

**HB 531** - Representative Orr moved HB 531 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Total 100

Noes: None.

Total 0

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 512** - Representative DeBruycker moved HB 512 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Vick.

Total 1

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 297** - Representative Grady moved HB 297, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 17.

Following: "SECTION"

Strike: "MUST"

Insert: "may"

2. Page 3, line 19.

Following: "BRIDGES."

Strike: "THE" through "EQUIPMENT."

EXPLANATION: Amendment [1] is a technical amendment as the House appropriations committee recommended

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

that the word "must" be replace by the word "may." This change failed to get enrolled into the bill as amended.

Amendment [2] removes the following language in HB 297 added in the House Appropriations committee: "The funds may not be used to purchase equipment." This language conflicts with the existing Section 15-70-101, MCA subsection (6) which states: "Except by a town or third-class city as provided in subsection (2), the funds authorized by this section may not be used for the purchase of equipment."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Cocchiarella, Denny, Galvin, McGee, Tuss, Wells, Wyatt.

Total 7

Excused: Bohlinger.

Total 1

Absent or not voting: Simon.

Total 1

Representative Barnett moved HB 297, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Boharski, Cocchiarella, DeBruycker, Ellingson, Galvin, Harrington, Kasten, Larson, Menahan, Pavlovich, Shea, L. Smith, S. Smith, Somerville, Tropila, Tuss, Wyatt.

Total 18

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: None.



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Total 0

**HB 422** - Representative H. Hanson moved consideration of HB 422 be passed for the day. Motion carried.

**HB 395** - Representative Raney moved HB 395 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: McGee, Murdock.

Total 2

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Denny, Fisher, Grady, Stovall, Wyatt.

Total 5

**HB 416** - Representative Boharski moved consideration of HB 416 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 484** - Representative DeBruycker moved HB 484 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kadas, Kottel, Larson, Nelson, Pavlovich, Ream, Ryan, Shea, Swanson, Tropila, Tuss, Vick, Wyatt.

Total 24

Voted Absentee: Bohlinger, Aye.

Excused: None.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Total 0

Absent or not voting: None.

Total 0

**HB 479** - Representative Arnott moved HB 479 do pass.

Representative Arnott moved HB 479, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Following: "SITUATIONS;"

Insert: "REQUIRING SCHOOL DISTRICTS TO REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE AMOUNTS TRANSFERRED EACH SCHOOL FISCAL YEAR AND THE PURPOSES FOR WHICH THE TRANSFERS WERE MADE; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO REPORT TO THE 56TH LEGISLATURE ON THE TOTAL AMOUNTS TRANSFERRED EACH SCHOOL FISCAL YEAR AND THE PURPOSES FOR WHICH THE TRANSFERS WERE MADE;"

2. Title, line 11.

Strike: "AND"

Insert: ", "

Following: the second "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 3, line 5.

Following: "~~made;~~"

Insert: "(iii) the amount does not exceed the amount by which the adopted general fund budget exceeds the BASE budget amount for the district;"

Renumber: subsequent subsection

4. Page 3, line 14.

Following: line 13

Insert: "NEW SECTION. Section 2. Reports on transfers to building reserve fund. (1) The trustees of a school district who transfer a school district general budget amount to the building reserve fund as allowed under the provisions of 20-9-502(3) shall report to the superintendent of public instruction the amount transferred each school fiscal year and the purposes for which the transfer was made.

(2) The superintendent of public instruction shall report to the 56th legislature the total amounts transferred by school districts each school fiscal year and the purposes for which the transfers were made."

Renumber: subsequent section

5. Page 3, line 17.

Following: line 16

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates July 1, 1999."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Hayne.

Total 1

Representative Arnott moved HB 479, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ewer, Fisher, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Herron, Holland, Hurdle, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, McGee, Mills, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Stovall, Taylor, Vick, Wagner, Wiseman, Wyatt.

Total 56

Noes: Bergsagel, Boharski, Carey, Clark, Elliott, Ellis, Feland, Forbes, Fuchs, Grady, Grinde, Harrington, Hayne, Hibbard, J. Johnson, Jore, Kadas, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Pavlovich, Ream, Rehbein, Rose, Ryan, Schwinden, Sliter, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Zook, Mr. Speaker.

Total 43

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: Shea.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Heavy Runner moved that the Committee of the Whole report be adopted. Report adopted. (81-11)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

**HB 554** failed as follows:

Ayes: Ahner, Barnett, Barnhart, Carey, Cobb, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Fuchs, Grady, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, R. Johnson, Kadas, Kasten, Knox, McCann, McKee, Ohs, Orr, Peck, Ream, Rehbein, Ryan, Schwinden, Simon, Story, Stovall, Swanson, Tash, Wells, Wennemar, Mr. Speaker.

Total 40

Noes: Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Clark, Cocchiarella, Denny, Devaney, Feland, Fisher, Forbes, Galvin, Green, Grinde, Hagener, Harrington, Hayne, Herron, Holland, J. Johnson, Jore, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Pavlovich, Quilici, Raney, Rose, Shea, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wiseman, Wyatt, Zook.

Total 56

Excused: Bohlinger.

Total 1

Absent or not voting: Grimes, Martinez, L. Smith.

Total 3

**HB 15** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Green, Jore, Kasten, Keenan, Peck, Rehbein, Simpkins, S. Smith.

Total 8

Excused: Bohlinger.

Total 1

Absent or not voting: Ellingson, Harrington, Ohs, Orr.

Total 4

**HB 585** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergman, Cobb, Peck.

Total 3

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 584** passed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Bergsagel, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Kitzenberg, Knox, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Anderson, Barnett, Boharski, Carey, Cobb, Ellingson, Elliott, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kottel, Marshall, McCann, Peck, Rehbein, Ryan, Schwinden, S. Smith, Soft, Story, Swanson, Taylor, Vick, Wagner, Wells.

Total 29

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 594** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Barnhart, Boharski, Cobb, Elliott, Green, Hagener, Hurdle, R. Johnson, Jore, Kasten, Keenan, Nelson, Peck, Rehbein, Simon, S. Smith, Somerville, Story, Vick, Wells.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

Total 21

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

The House, on 3/21/95, by motion, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House Amendments to SB 38.

Speaker Mercer appointed the following members:

Representative Simon, Chairman

Representative Pavlovich

Representative Hibbard

**HB 346** - Representative Ellingson moved that he be removed as a sponsor from HB 346. Motion carried.

**HB 594** - Representative Boharski moved he be allowed to change his vote on HB 594, third reading, from aye to nay. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

3/21/95

Correctly printed for second reading: HB 493, HB 514, HB 573.

Correctly enrolled: HB 55, HB 65, HB 219, HB 259, HB 270, HB 320, HB 335, HB 372, HB 384, HB 428, HB 431, HB 433, HB 439, HB 467, HB 501, HB 536, HB 551, HB 553, HJR 22, HJR 25.

Examined by the sponsor and found to be correct: HB 65, HB 219, HB 259, HB 270, HB 320, HB 335, HB 372, HB 384, HB 428, HB 431, HB 433, HB 439, HB 467, HB 501, HB 536, HB 551, HB 553, HJR 22, HJR 25.

**APPROPRIATIONS** (Zook, Chairman):

3/21/95

**HB 493**, introduced bill, do pass. Report adopted.

**HB 514**, introduced bill, do pass. Report adopted.

**HB 573**, introduced bill, do pass. Report adopted.

**STATE ADMINISTRATION** (Simpkins, Chairman):

3/21/95

**SB 234**, be amended as follows:

1. Page 95, line 22.

Strike: "public health"

Insert: "environmental review"



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 21, 1995

2. Page 95, line 22.  
Strike: "2-15-2104"  
Insert: "[section 23]"

3. Page 95, line 23.  
Page 96, lines 12, 14, 20, and 33.  
Strike: "public health"  
Insert: "environmental quality"

4. Page 95, lines 23 and 24.  
Strike: "Title 2, chapter 15, part 21"  
Insert: "[section 22]"

5. Page 119, lines 20 and 34.  
Page 121, lines 5 and 15.  
Page 130, line 15.  
Strike: "PUBLIC HEALTH"  
Insert: "environmental quality"

6. Page 119, line 21.  
Page 130, line 16.  
Strike: "2-15-2101"  
Insert: "[section 22]"

7. Page 120, line 33.  
Page 130, line 9.  
Strike: "PUBLIC HEALTH"  
Insert: "environmental review"

8. Page 130, line 10.  
Strike: "2-15-2104"  
Insert: "[section 23]"

And, as amended, be concurred in. Report adopted.

SB 345, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Wednesday, March 22, 1995. Motion carried.

House adjourned at 2:55 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 22, 1995

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Roger DeBruycker. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Elliott, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 3/22/95  
Correctly engrossed for third reading: HB 3, HB 5, HB 8, HB 18, HB 297, HB 395, HB 479, HB 484, HB 512, HB 513, HB 531, HB 595.  
Correctly enrolled: HB 424.  
Examined by the sponsor and found to be correct: HB 424.  
Signed by the Speaker at 3:34 p.m., 3/22/95: HB 65, HB 219, HB 259, HB 270, HB 320, HB 335, HB 372, HB 384, HB 428, HB 431, HB 433, HB 439, HB 467, HB 501, HB 536, HB 551, HB 553, HJR 22, HJR 25.

**APPROPRIATIONS** (Zook, Chairman): 3/22/95  
**HB 189**, introduced bill, be amended as follows:

1. Title, line 9.  
Strike: "AN"  
Insert: "A DELAYED"
2. Page 1, line 19.  
Strike: "revenue estimating resolution provided for in 5-18-107(5)"  
Insert: "legislative fiscal analyst's postsession appropriations report"
3. Page 1, line 21.  
Following: "general"  
Insert: "fund"
4. Page 1, line 26.  
Following: "transferred"  
Insert: "by the department of administration"
5. Page 2, line 1.  
Strike: "25%"  
Insert: "2.5%"  
Following: "total"  
Insert: "biennial"
6. Page 4, line 13.  
Following: "effective"  
Strike: "July 1, 1995"  
Insert: "January 1, 1996"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

And, as amended, do pass. Report adopted.

**HB 365**, introduced bill, be amended as follows:

1. Title, lines 12 through 14.

Following: "÷"

Strike: remainder of line 12 through "CRITERIA;" on line 14

2. Page 2, lines 26 through 28.

Strike: lines 26 through 28 in their entirety.

Renumber: subsequent subsection

3. Page 2, line 30.

Following: "."

Insert: "The report must be prepared using funds within the existing appropriation for the university system."

And, as amended, do pass. Report adopted.

**HB 544**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "TO"

Insert: "RESIDENT"

2. Page 1, line 29.

Following: "to the"

Insert: "resident"

3. Page 1, line 30.

Following: "."

Insert: "To qualify, a resident nonbeneficiary student must meet the residency requirements as prescribed for the Montana university system by the board of regents. The distribution to any student is limited to a maximum of \$1,500 each year per full-time equivalent student. Any remaining balance in this appropriation on June 30, 1997, must revert to the general fund and may not be diverted to other purposes."

4. Page 2, lines 17 and 18.

Following: "to" on line 17

Insert: "resident"

Following: "who" on line 17

Strike: "have" on line 17 through "college" on line 18

Insert: "meet the residency requirements, as prescribed for the Montana university system by the board of regents,"

5. Page 2, line 19.

Following: "system"

Insert: "bears to the total enrollment in the university system"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

And, as amended, do pass. Report adopted.

**HB 603**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "LAWS;"

Insert: "AUTHORIZING FUNDING FOR THE PROJECTS; ESTABLISHING PARAMETERS AND CONDITIONS FOR THE PROJECTS;"

2. Page 1, line 10.

Following: "Exemptions."

Strike: "If the"

Insert: "The renovation or"

3. Page 1, line 11.

Following: "Bozeman"

Strike: "and"

Insert: ", "

Following: "house"

Insert: "and campus drive"

4. Page 1, line 12.

Following: "Missoula"

Strike: "are authorized in House Bill No. 5, the"

Insert: ", and improvements to the physical education complex and renovation of vigilante stadium at western Montana college of the university of Montana are authorized by [sections 1 through 5]. The design and construction of these"

5. Page 1, line 13.

Strike: "chapter"

Insert: "chapters"

Following: "2"

Insert: "and 8"

6. Page 1, lines 17 and 18.

Strike: Section 2 in its entirety

Insert: "NEW SECTION. Section 2. Authorization. Private funding is authorized for the following projects:

Montana State University - Bozeman	\$12,000,000 Private Funds
Renovate or Construct Athletic Complex	
University of Montana - Missoula	1,650,000 Private Funds
Prescott House and Campus Drive Improvements	
Western Montana College of the University of Montana	
Physical Education Complex Improvements	150,000 Private Funds
Renovate Vigilante Stadium	300,000 Private Funds

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

NEW SECTION. Section 3. Terms and conditions. The terms, guaranties, and agreements relative to these projects must be negotiated in the best interests of the state and must include guaranties that no commitment of state appropriated funds for design, construction, operations, or maintenance is expressed or implied. The terms, guaranties, and agreements are subject to final review and approval by the board of regents, after which the approving authority is required to provide a report certifying to the budget director that these conditions are met. The budget director shall certify acceptance of this report to the department of administration prior to final approval by the department of administration pursuant to 18-2-103 (1) (a).

NEW SECTION. Section 4. Specific terms for athletic complex. The authorization for athletic facilities at Montana state university - Bozeman, as authorized in [sections 1 through 5], allows the board of regents to lease the land or the land and its facilities to a private, nonprofit organization in order to solicit, manage, and administer gifts, donations, in-kind contributions, and revenue on behalf of the university for the purpose of completing the renovation or construction of a new athletic complex.

NEW SECTION. Section 5. Coordination instruction. If [this act] and House Bill No. 352 are both passed and approved, then [section 1] of House Bill No. 352 is amended to read:

"Section 1. Prohibition on transfer to foundation. (1) ~~In~~ Except as provided in subsection (2), in order to implement the provisions of Article VIII, section 12, of the Montana constitution, ownership of the following may not be transferred to a nonprofit corporation or foundation established for the benefit of a unit of the university system unless full market value is received for the transfer and laws applicable to the disposition of property are followed:

- (1) ~~(a)~~ money in the higher education funds provided for in 17-2-102;
- (2) ~~(b)~~ excess proceeds of money borrowed pursuant to 20-25-402; and
- (3) ~~(c)~~ real or personal property acquired with money listed in subsection (1) ~~(a)~~ or proceeds listed in subsection (2) ~~(1)~~ (b).

(2) Subsection (1) does not apply to the lease for the athletic complex at Montana state university provided for in [section 4] of House Bill No. 603. The land lease for the athletic complex must be of a term not to exceed 7 years from the date of approval of the lease ."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):  
HB 599, introduced bill, be amended as follows:

3/21/95

1. Page 2, line 23.  
Strike: "demonstrates a"  
Insert: "has the"  
Strike: "path to"  
Insert: "potential for"

2. Page 3, line 3.  
Following: ". "  
Insert: "Unallocated interest and earnings from the research and development special revenue account must be deposited in the general fund."

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

3. Page 3, line 6.

Strike: "an"

Insert: "a research and development"

4. Page 3, line 21.

Following: "."

Insert: "The governor shall reflect the termination of participation in the program in the budget submitted to the next regular session of the legislature."

5. Page 3, lines 25 and 26.

Following: ", the"

Insert: "state"

Following: "interest" on line 25

Strike: remainder of line 25 through "contributions" on line 26

Insert: "thereon"

6. Page 3, lines 28 and 29.

Following: "(2)" on line 28

Strike: remainder of line 28 through "fund." on line 29

7. Page 4, line 5.

Strike: "office of the governor"

Insert: "department of commerce"

8. Page 4, line 30.

Strike: "an"

Insert: "a research and development"

9. Page 5, line 27.

Strike: "an annual"

Insert: "a biennial"

10. Page 5, line 28.

Strike: "\$2.4 million"

Insert: "\$850,000"

11. Page 6, line 4.

Following: "to the"

Insert: "research and development"

12. Page 6, line 7.

Strike: "an annual"

Insert: "a biennial"

13. Page 6, line 8.

Following: "million"

Insert: "per year"

Following: "of the"

Insert: "annual"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

14. Page 6, line 10.

Following: "1"

Insert: "The transfer of the funds to the special revenue account must be made on a semiannual basis in the amount necessary to service bonds provided for in [section 10]. All other transfers under this subsection must be made at the end of the biennium."

15. Page 7, line 26.

Strike: "projects"

16. Page 8, line 5.

Following: "1"

Insert: "and"

17. Page 8, line 6.

Strike: subsection (viii) in its entirety

Renumber: subsequent subsections

18. Page 8, line 7.

Strike: "; and"

19. Page 8, line 8.

Strike: "(x)" through "contents"

20. Page 8, line 12.

Following: line 11

Insert: "(c) "Project" means:

(i) construction, installation, and expansion of infrastructure;

(ii) construction or renovation of public health and safety and correctional facilities;

(iii) construction or modification of existing public facilities to provide access for individuals with disabilities;

(iv) construction or installation of infrastructure for public housing;

(v) acquisition, rehabilitation, and preservation of historic places and artifacts."

Renumber: subsequent subsections

21. Page 9, line 2.

Strike: "(3)(a)(x)"

Insert: "(3)(c)(v)"

22. Page 10, line 11.

Strike: "(3)(a)(x)"

Insert: "(3)(c)(v)"

23. Page 10, lines 18 and 19.

Following: "(1)" on line 18

Strike: remainder of line 18 through "loaned" on line 19

Insert: "The board of investments shall loan"

24. Page 10, line 26.

Following: "(4)"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Insert: "and must bear interest at a rate not to exceed the rate earned on the short-term investment pool"

25. Page 11, lines 12 and 13.

Following: "part"

Strike: "2"

Insert: "18"

And, as amended, do pass. Report adopted.

**HB 602**, introduced bill, be amended as follows:

1. Page 2, line 9.

Following: "jobs"

Insert: "in the primary sector of the economy"

2. Page 2, line 10.

Following: "Montana"

Insert: "on a permanent, full-time basis or result in the expansion of a business estimated to employ at least an additional 50 people in Montana on a permanent, full-time basis"

3. Page 2, line 22.

Strike: "\$1 million"

Insert: "\$500,000"

4. Page 3, line 22.

Following: "created"

Insert: "or expanded"

5. Page 3, line 23.

Following: "chapter"

Insert: "30 or"

6. Page 3, line 25

Following: "."

Insert: "The credit may be carried forward or carried back for 7 tax years."

And, as amended, do pass. Report adopted.

**SB 313**, be amended as follows:

3/22/95

1. Title, line 10.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 27.

Page 3, lines 5, 6, 13, 19, 20, and 25

Page 4, lines 4, 7, and 9

Following: "through"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Strike: "7"

Insert: "6"

3. Page 2, following line 26.

Insert: "(4) A pharmacy or pharmacist may not charge a dispensing or ingredient fee based solely on the class of trade to which the purchaser belongs."

4. Page 2, line 27.

Strike: "(4)"

Insert: "(5)"

5. Page 2, line 30 through page 3, line 2.

Strike: section 3 in its entirety

Renumber: subsequent sections

6. Page 3, line 14.

Following: "DEPARTMENT." on line 14

Strike: "ONE-HALF OF THE AMOUNT OF"

7. Page 3, lines 15 and 16.

Strike: "GENERAL" on line 15 through "THE" on line 16

8. Page 3, line 17.

Strike: "THE ENTIRE AMOUNT OF"

9. Page 4, line 13.

Insert: "NEW SECTION. Section 9. Termination. [This act] terminates July 1, 1997."

And, as amended, be concurred in. Report adopted.

**SB 354**, be amended as follows:

1. Title, line 5.

Following: "REGISTRATION;"

Insert: "PROVIDING THAT A PERCENTAGE OF THE FEES BE USED FOR AN EDUCATION PROGRAM;"

2. Title, line 10.

Following: "39-3-705,"

Insert: "39-3-706,"

3. Page 5, line 3.

Following: "Fees"

Insert: "-- education program"

4. Page 5, line 9.

Strike: "\$70"

Insert: "\$80"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

5. Page 5, line 12.

Insert: "(5) The department shall establish, cooperatively with representatives of the building industry, an industry and consumer information program, funded with 15% of the fees, to educate the building industry about the registration program and to educate the public regarding the hiring of building contractors.

(6) The fee for a joint application for a certificate of registration and an independent contractor exemption may not exceed the fee charged for a certificate of registration."

6. Page 5, lines 19 and 23.

Strike: "substantial"

7. Page 5, line 28.

Strike: "PERSON"

Insert: "contractor"

Following: "OF"

Strike: "A"

Insert: "another"

8. Page 5, line 29.

Following: "COVERAGE"

Insert: "for the other contractor or for any employee of the other contractor"

Strike: "PERSON"

Insert: "contractor"

9. Page 5, line 30.

Following: "THAT THE"

Insert: "other"

Strike: "PERSON"

Insert: "contractor"

10. Page 7, line 12.

Following: "(15)"

Insert: "to a contract security company, licensed under Title 37, chapter 60, operating within the scope of the license; or  
(16)"

11. Page 7, line 19.

Strike: "All"

Insert: "Except for telephone books, all"

12. Page 7, lines 22 and 23.

Following: "section of" on line 22

Strike: remainder of line 22 through "other" on line 23

Following: "directories" on line 23

Insert: ", excluding telephone books,"

13. Page 10, line 5.

Strike: "and whether a contractor is bonded"

14. Page 11, lines 1 and 2.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Following: "investigations --" on line 1  
Strike: the remainder of line 1 through "injunctions" on line 2  
Insert: "citations"

15. Page 12, lines 4 and 5.  
Following: "shall" on line 4  
Strike: the remainder of line 4 through "to" on line 5

16. Page 13, line 9.  
Strike: "-- appeal"  
Following: "determination --"  
Strike: "failure"  
Insert: "appeal -- duty"

17. Page 16, line 24.  
Strike: "another"  
Insert: "any person or entity"

18. Page 16, line 25.  
Strike: "other"  
Insert: "person or entity"

19. Page 16, line 26.  
Strike: "to the other"

20. Page 17, lines 1 through 5.  
Strike: lines 1 through 5 in their entirety  
Insert: "(i) of \$6,000 for a general contractor or \$4,000 for a specialty contractor if the contractor is a sole proprietor, an independent contractor, or a corporate officer working as an individual without employees; or  
(ii) equal to a contractor's average monthly employee payroll, based on 12 consecutive months' payroll, as estimated by the commissioner. However, the amount may not be less than \$6,000 for a general contractor or \$4,000 for a specialty contractor and may not exceed \$25,000 for any contractor."

21. Page 17, line 7.  
Strike: "insuring"  
Insert: "guaranteeing"

22. Page 17, lines 11 and 12.  
Following: "labor" on line 11  
Strike: the remainder of line 11 through "contractor" on line 12

23. Page 18, line 5.  
Following: "due,"  
Strike: "the" through "furnished,"

24. Page 18, line 13.  
Strike: "transmit"  
Insert: "mail"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

25. Page 18, line 14.  
Following: "registrant"  
Insert: "at the address"  
Following: "the"  
Insert: "registrant's"

26. Page 18, line 25.  
Strike: line 25 in its entirety  
Renumber: subsequent subsections

27. Page 19, line 11.  
Insert: "

Section 29. Section 39-3-706, MCA, is amended to read:

"39-3-706. Liability of ~~person~~ contractor contracting with another contractor ~~for failure to require bond.~~  
~~Any person~~ A contractor contracting with a another contractor who fails to require the other contractor to ~~acquire~~  
~~the surety bond provided for in 39-3-703(1)~~ be registered pursuant to [sections 1 through 25] is liable to the  
employees of ~~that~~ the other contractor for their wages and fringe benefits on that particular job."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):  
SB 206, be amended as follows:

3/21/95

1. Page 9, line 18.  
Following: "hours"  
Insert: "within 48 hours"  
Following: "independent,"  
Insert: "independent,"

2. Page 9, line 19.  
Following: "attributable"  
Insert: ", and attributable"

3. Page 9, line 20.  
Following: "home."  
Insert: "Without the development of independent, corroborative, and attributable information, a child may not be  
removed from the home."

And, as amended, be concurred in. Report adopted.

SJR 10, be concurred in. Report adopted.

SJR 16, be concurred in. Report adopted.

RULES (Grinde, Chairman):  
SB 398, be amended as follows:

3/21/95



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

1. Title, line 6.

Following: "SECTIONS"

Strike: the remainder of line 6 through "DATE." on line 22

Insert: "1-11-201, 1-11-303, 2-4-401, 2-4-402, 2-15-401, 2-15-1514, 2-15-1523, 2-18-103, 2-18-201, 5-1-106, 5-2-301, 5-5-215, 5-11-101, 5-11-102, 5-11-103, 5-11-105, 5-11-106, 5-11-107, 5-11-111, 5-11-112, 5-11-201, 5-11-202, 5-11-203, 5-11-205, 5-11-206, 5-11-207, 5-11-208, 5-11-209, 5-11-301, 5-11-402, 5-11-404, 5-11-405, 5-12-202, 5-12-204, 5-12-205, 5-12-301, 5-12-302, 5-12-303, 5-12-304, 5-13-202, 5-13-301, 5-13-302, 5-13-304, 5-13-305, 5-14-103, 5-15-104, 5-16-104, 5-18-108, 5-18-109, 5-18-110, 5-18-115, 5-19-104, 5-19-107, 13-27-201, 13-27-202, 13-27-504, 15-70-234, 16-2-101, 17-5-1650, 17-7-123, 17-7-402, 17-7-404, 18-1-118, 22-1-218, 39-30-103, 41-3-1002, 44-12-206, 44-13-103, 60-11-111, 72-16-447, 72-16-448, 72-16-450, 75-1-201, 75-1-323, 75-1-324, 85-1-203, 85-1-621, 85-2-105, 85-2-436, 90-4-302, 90-4-305, 90-4-307, 90-4-308, 90-4-310, 90-4-313, AND 90-8-311, MCA; REPEALING SECTIONS 1-13-101, 1-13-102, 1-13-103, 1-13-105, 1-13-111, 5-12-402, 5-18-101, 5-18-102, 5-18-103, 5-18-104, 5-18-105, 5-18-106, 5-18-107, 17-7-114, 23-7-203, 75-1-321, 75-1-322, AND 90-4-303, MCA; AND PROVIDING EFFECTIVE DATES."

2. Page 1, line 24.

Following: the enacting clause

Strike: everything following the enacting clause

Insert: "NEW SECTION. Section 1. Declaration of policy and purpose. It is the public policy of this state and the purpose of [sections 1 through 4]:

- (1) to create a structure of the legislative branch of state government that is efficient and responsive to the needs of the people of this state and is sufficiently flexible to meet changing conditions;
- (2) to strengthen the legislative branch capacity to administer its affairs effectively and efficiently on behalf of the people of the state;
- (3) to provide means for coordination of branch activities; and
- (4) to eliminate unnecessary overlapping and duplication of effort within the legislative branch of state government.

NEW SECTION. Section 2. Structure of legislative branch. The legislature established in Article V, section 1, of the Montana constitution and the committees established by law constitute the legislative branch. The functional organization of the legislative branch is governed by the joint rules of the legislature and the laws governing the several components of the branch. The administrative organization of the legislative branch is consolidated as provided in [sections 1 through 4].

NEW SECTION. Section 3. Consolidation of legislative branch entities for specified purposes. (1) An entity of the legislative branch that is consolidated with the legislative council as provided in [section 4] shall:

- (a) exercise its substantive functions independently as provided by law;
  - (b) adhere to administrative policies, including personnel policies, adopted by the legislative council;
  - (c) submit its budget proposals through the legislative council; and
  - (d) submit reports required of it as provided in 5-11-210.
- (2) The legislative council shall:
- (a) coordinate budgeting, recordkeeping, reporting, and related administrative and clerical functions as a consolidated entity, including acknowledgment of actions by the approving authority of the consolidated entity;
  - (b) include within the legislative council budget the budget proposals for the legislature and the consolidated entities, separately identified; and
  - (c) provide personnel administration for the legislative branch. The senate and the house of representatives or a consolidated entity with statutory hiring authority may hire its own nonadministrative personnel, subject to administrative procedures established by the legislature and legislative council. The legislative services division shall

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

initially hire administrative support personnel on behalf of a consolidated entity of the legislative branch.

(3) The legislative council shall allocate office space occupied by the legislative branch for the use of a consolidated entity as necessary. Space occupied by the senate or the house of representatives may not be reallocated except upon approval of the respective house as provided in the rules of that house. The location of the chambers of the house of representatives and the senate must be determined as provided by 2-17-101.

NEW SECTION. Section 4. Legislative branch consolidated. The following legislative branch entities are consolidated with the legislative council, as provided in [section 3] and this section:

(1) the senate and the house of representatives provided for in Article V, section 1, of the Montana constitution;

(2) the legislative council established by 5-11-101;

(3) the legislative services division established by 5-11-111;

(4) the legislative finance committee established by 5-12-201;

(5) the legislative fiscal division established by 5-12-301;

(6) the legislative audit committee established by 5-13-201;

(7) the legislative audit division established by 5-13-301;

(8) the administrative code committee established by Title 5, chapter 14, part 1;

(9) the environmental quality council established by 5-16-101; and

(10) the committee on Indian affairs established by 5-19-102.

Section 5. Section 1-11-201, MCA, is amended to read:

"1-11-201. ~~Office of code~~ Code commissioner ~~created~~. There is ~~created~~ within the legislative council services division ~~the office of a code commissioner.~~"

Section 6. Section 1-11-303, MCA, is amended to read:

"1-11-303. Authority to issue ancillary publications. ~~The legislative council~~ code commissioner may issue supplementary and ancillary publications as ~~it considers~~ necessary or desirable in aid of the general use and purposes of the Montana Code Annotated and the supplements or replacements to the Montana Code Annotated. ~~The legislative council~~ code commissioner shall publish a legislative review containing a summary of enactments of each session of the legislature. ~~The legislative council~~ code commissioner shall publish a history and final status of all bills and resolutions of each session of the legislature that 302 contains corrected voting records for bills and resolutions."

Section 7. Section 2-4-401, MCA, is amended to read:

"2-4-401. Administrative code committee -- staff, meetings, and compensation. (1) ~~The legislative council~~ services division shall provide staff assistance to the administrative code committee. The committee may ~~retain whatever employees, consultants, or counsel as are necessary to carry out the provisions of this chapter and to~~ advise the publisher in relation to the text and legal authority of the material published in the register or ARM, within the limitations of legislative appropriations.

(2) The committee shall meet as often as may be necessary during and between legislative sessions.

(3) Committee members are entitled to receive compensation and expenses as provided in 5-2-302."

Section 8. Section 2-4-402, MCA, is amended to read:

"2-4-402. Powers of ~~the~~ committee -- duty to review rules -- exception for revenue rules. (1) Except for rules proposed by the department of revenue, the administrative code committee shall review all proposed rules filed with the secretary of state.

(2) ~~The revenue oversight~~ legislative finance committee shall review all rules proposed by the department of revenue.

(3) The administrative code committee may:



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

- (a) request and obtain an agency's rulemaking records for the purpose of reviewing compliance with 2-4-305;
- (b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule and submit oral or written testimony at a rulemaking hearing;
- (c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;
- (d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;
- (e) review the incidence and conduct of administrative proceedings under this chapter."

Section 9. Section 2-15-401, MCA, is amended to read:

"2-15-401. Duties of secretary of state. In addition to the duties prescribed by the constitution, it is the duty of the secretary of state to:

- (1) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform ~~such~~ other duties as may be devolved upon ~~him~~ the secretary of state by resolution of the two houses or either of them;
- (2) keep a register of and attest the official acts of the governor, including all appointments made by ~~him~~ the governor, with date of commission and names of appointees and predecessors;
- (3) affix the great seal, with ~~his~~ the secretary of state's attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;
- (4) record in proper books all articles of incorporation filed in ~~his~~ the secretary of state's office;
- (5) take and file ~~in his office~~ receipts for all books distributed by ~~him~~ the secretary of state and direct the county clerk of each county to do the same;
- (6) certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;
- (7) furnish, on demand, to any person paying the fees ~~therefor~~, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in ~~his~~ the secretary of state's office;
- (8) keep a fee book in which must be entered all fees, commissions, and compensation of ~~whatever nature or kind by him~~ earned, collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which ~~book~~ must be verified annually by ~~his~~ the secretary of state's affidavit entered ~~therein~~ in the fee book;
- (9) file in ~~his~~ the secretary of state's office descriptions of seals in use by the different state officers;
- (10) discharge the duties of member of the board of examiners and of the board of land commissioners and all other duties required ~~of him~~ by law;
- (11) register marks as provided in Title 30, chapter 13, part 3;
- (12) report annually to the legislative ~~council~~ services division all watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;
- (13) keep a register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application."

Section 10. Section 2-15-1514, MCA, is amended to read:

"2-15-1514. State library commission -- natural resource data system advisory committee. (1) (a) There is a state library commission which is created in Title 22, chapter 1.

(b) The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members remain as prescribed by law.

(2) (a) There is a natural resource data system advisory committee consisting of an employee of the ~~environmental quality council~~ legislative services division, of the state library, and of each principal data source agency, appointed by the head of the respective state agency, and by the board of regents of higher education for the Montana university system.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(b) The state library shall provide staff support to the committee, within the limits of the library's available resources."

Section 11. Section 2-15-1523, MCA, is amended to read:

"2-15-1523. Ground water assessment steering committee. (1) There is a ground water assessment steering committee consisting of an employee of each of the following state agencies having responsibility for ground water protection, management, or information who must be appointed by the head of the respective state agency:

- (a) the department of natural resources and conservation;
- (b) the department of health and environmental sciences;
- (c) the department of agriculture;
- (d) the department of state lands; and
- (e) the Montana state library, natural resource information system.

(2) The ground water assessment steering committee may include representatives of the following agencies and units of government with expertise or management responsibility related to ground water and representatives of the organizations and groups specified in subsection (2)(h), who shall serve as ex officio members:

- (a) the ~~environmental quality council~~ legislative services division;
- (b) the board of oil and gas conservation;
- (c) the Montana bureau of mines and geology;
- (d) a representative from a unit of the university system, other than the Montana bureau of mines and geology, appointed by the board of regents of higher education for the Montana university system;
- (e) a county government, appointed by an organization of Montana counties;
- (f) a city, town, or city-county government, appointed by an organization of Montana cities and towns;
- (g) each principal federal agency having responsibility for ground water protection, management, or research, appointed by the Montana head of the respective federal agency; and
- (h) one representative of each of the following, appointed by the governor:
  - (i) agricultural water users;
  - (ii) industrial water users; and
  - (iii) a conservation or ecological protection organization.

(3) The ground water assessment steering committee shall elect a ~~chairman~~ presiding officer from its voting members.

(4) The Montana bureau of mines and geology shall provide staff support to the committee."

Section 12. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. (1) Parts 1 and 2 do not apply to the following positions in state government:

- ~~(1)(a)~~ elected officials;
- ~~(2)(b)~~ county assessors and their chief deputy;
- ~~(3) officers and employees of the legislative branch;~~
- ~~(4)(c)~~ judges and employees of the judicial branch;
- ~~(5)(d)~~ members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- ~~(6)(e)~~ officers or members of the militia;
- ~~(7)(f)~~ agency heads appointed by the governor;
- ~~(8)(g)~~ academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- ~~(9)(h)~~ academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- ~~(10)(i)~~ teachers under the authority of the department of corrections and human services or family services;

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

~~(11)(i)~~ investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;

~~(12)(k)~~ four professional staff positions under the board of oil and gas conservation;

~~(13)(l)~~ assistant director for security of the Montana state lottery;

~~(14)(m)~~ executive director and senior investment officer of the Montana board of science and technology development;

~~(15)(n)~~ executive director and employees of the state compensation insurance fund;

~~(16)(o)~~ state racing stewards employed by the executive secretary of the Montana board of horseracing;

~~(17)(p)~~ executive director of the Montana wheat and barley committee; and

~~(18)(q)~~ commissioner of banking and financial institutions.

(2) Employees of an entity of the legislative branch are exempt from the application of 2-18-1011 through 2-18-1013. With respect to entities of the legislative branch:

(a) as used in parts 1 through 3 of this chapter, references to the "department of administration" or "department" apply to the legislative council established by 5-11-101, which may delegate administrative duties to the legislative services division established by 5-11-111;

(b) as used in 2-18-102, the term "governor" applies to the legislature; and

(c) as used in 2-18-204, the term "budget director" applies to the "approving authority" as defined in 17-7-102."

Section 13. Section 2-18-201, MCA, is amended to read:

"2-18-201. Development of personnel classification plan. The department shall develop a personnel classification plan for all state positions and classes of positions in state service following hearings involving affected employees and employee organizations, except those exempt in 2-18-103 and 2-18-104. The legislative council shall in a like manner develop a classification plan for employees of the legislative branch."

Section 14. Section 5-1-106, MCA, is amended to read:

"5-1-106. Legislative ~~council~~ services division to provide technical and clerical services. The executive director of the legislative ~~council~~ services division, under the direction of the commission, shall provide the technical staff and clerical services ~~which~~ that the commission needs to prepare its districting and apportionment plans."

Section 15. Section 5-2-301, MCA, is amended to read:

"5-2-301. Compensation and expenses for members while in session. (1) Except as provided in subsection (7), legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 8 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house shall receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Legislators are entitled to \$50 a day, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments ~~shall~~ must stop when the legislature recesses for more than 3 days and ~~shall~~ resume when the legislature reconvenes.

(4) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(5) In addition to the mileage allowance provided for in subsection (4), legislators, upon submittal of an appropriate claim for ~~such~~ mileage reimbursement to the legislative services division ~~office of the legislative council~~, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) ~~such~~ additional round trips as ~~are~~ authorized by the legislature during special session.

(6) Legislators are not entitled to any additional mileage allowance under subsection (4) for a special session if it is convened within 7 days of a regular session.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(7) In lieu of the salary provided for in subsection (1) and the expense allowance provided for in subsection (3), a legislator may receive remuneration for services performed during a legislative session. A legislator choosing to receive remuneration for services performed shall file a request to receive payment under this subsection with the accounting legislative services division office of the legislative council. A legislator exercising the option to receive remuneration for services performed may not receive more remuneration than legislators paid pursuant to subsections (1) and (3). Remuneration for services performed must be reduced \$50 a day when the legislature recesses for more than 3 days."

Section 16. Section 5-5-215, MCA, is amended to read:

"5-5-215. Duties of subcommittees. (1) Each subcommittee shall accumulate, compile, analyze, and furnish ~~such~~ information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work. ~~important issues of policy and questions of statewide importance, including but not limited to:~~

~~(a) the possibilities of consolidations of departments, commissions, boards, and institutions in state government for:~~

~~(i) the elimination of unnecessary activities and duplications in office personnel and equipment;~~

~~(ii) the coordination of activities;~~

~~(iii) the purpose of increasing efficiency of service or effecting economies; and~~

~~(iv) the purpose of studying and inquiring into the financial administration of state governments and subdivisions thereof, including the problems of assessment and collection of taxes; and~~

~~(b) all other matters pertaining to the function of the departments and branches of state government.~~

(2) Each subcommittee shall prepare ~~such~~ bills and resolutions as that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.

(3) ~~Each subcommittee~~ The legislative services division shall keep accurate records of ~~its~~ the activities and proceedings of each subcommittee."

Section 17. Section 5-11-101, MCA, is amended to read:

"5-11-101. Appointment and composition of council. (1) There is a legislative council ~~which~~ that consists of:

~~(1)(a) four members of the house of representatives appointed by the speaker of the house, with the advice of the majority and the minority leaders leader of the house, no more than two of whom may be of the same political party~~ a member chosen by the speaker of the house, and a member chosen by the minority leader of the house; and

~~(2)(b) four members of the senate appointed by the committee on committees the president of the senate, no more than two of whom may be of the same political party the minority leader of the senate, a member chosen by the president of the senate, and a member chosen by the minority leader of the senate.~~

(2) No more than two members of each house may be of the same political party."

Section 18. Section 5-11-102, MCA, is amended to read:

"5-11-102. Term. Membership on the council is for 2 years while the member remains qualified and until a successor is appointed and qualified and terminates with the appointment of a new council or on the 50th legislative day of the next regular session following the one in which the appointment was made, whichever event occurs first. A new council Members required to be appointed by leadership under 5-11-101 shall must be appointed no later than the 50th day of each regular session immediately following organization of the senate and the house of representatives as provided in 5-2-212 and 5-2-213."

Section 19. Section 5-11-103, MCA, is amended to read:

"5-11-103. Vacancies. A vacancy on the legislative council ~~occurring when the legislature is not in session~~ shall must be filled by the selection of another member by the same method as the original appointment."



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Section 20. Section 5-11-105, MCA, is amended to read:

"5-11-105. Powers and duties of council. (1) The legislative council shall:

(a) employ and, in accordance with the rules for classification and pay established as provided in this section, set the salary of an executive director of the legislative services division, who serves at the pleasure of and is responsible to the legislative council;

(b) adopt rules for classification and pay of legislative branch employees;

(c) adopt rules governing personnel management of branch employees;

(d) adopt procedures to administer legislator claims for reimbursements authorized by law for interim activity; and

(e) perform other duties assigned by law.

(2) If a question of statewide importance arises when the legislature is not in session and a subcommittee has not legislative committee has not been appointed assigned to consider the question, the legislative council shall assign the question to an appropriate subcommittee as provided in Title 5, chapter 5, part 2, or to the appropriate statutorily created committee.

~~(2) The legislative council shall supervise the activities of the council staff.~~

~~(3) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the legislature.~~

~~(4) This section shall not be construed to permit the council to approve or disapprove of any substantive portions or recommendations of a standing or select committee or subcommittee report."~~

Section 21. Section 5-11-106, MCA, is amended to read:

"5-11-106. Authority to investigate and examine. The legislative council services division, on behalf of standing and select committees and subcommittees, ~~shall have authority to~~ may investigate and examine ~~the costs~~ of state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana."

Section 22. Section 5-11-107, MCA, is amended to read:

"5-11-107. Powers relating to hearings. (1) In the discharge of its duties or on behalf of standing statutory committees and or subcommittees, the legislative council may hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court.

(2) If a person disobeys a subpoena issued by the council ~~on behalf of a standing committee or subcommittee~~ or if a witness refuses to testify on any matters regarding which ~~he~~ the witness may be lawfully interrogated, the district court of any county ~~or a judge thereof~~ shall, on application of the legislative council, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from ~~such a district court or a refusal to testify therein in the district court.~~

Section 23. Section 5-11-111, MCA, is amended to read:

"5-11-111. ~~Executive director, personnel, and consultants~~ Legislative services division. ~~The legislative council may employ an~~ There is a legislative services division under the direction of an executive director employed by the legislative council under 5-11-105 and such other personnel, not members of the council, as it considers necessary to assist in the preparation of proposed legislative acts and standing and select committee and subcommittee reports and recommendations and to carry out other council activities. The executive director may engage personnel and consultants to fulfill the duties of the legislative services division within the limits of appropriations to the legislative services division. The council executive director shall fix the compensation of such the employees of the legislative services division in accordance with the rules for classification and pay adopted by the legislative council. It may also employ the services of any research agency which it considers necessary in the discharge of its duties.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Section 24. Section 5-11-112, MCA, is amended to read:

"5-11-112. Functional ~~divisions~~ organization and responsibilities. (1) The legislative council may establish a functional ~~divisions~~ organization within the ~~council staff~~ legislative services division in order to effectively and efficiently carry out all of the responsibilities delegated to the ~~council~~ division by law or legislative rule. The ~~divisions~~ shall responsibilities of the legislative services division include the following:

(1)(a) legislative document services division:

(i) bill drafting and preparation for introduction;

(a)(ii) engrossing and enrolling;

(b)(iii) mailroom distribution of legislative bills and information;

(e)(iv) coordination of legislative printing; and

(v) publication of legislative records;

(d) data processing;

(2)(b) research and reference services division:

(a)(i) general and specialized legislative research; and

(b)(ii) legislative reference and information;

(c) committee staffing, including staffing for interim committees organized under Title 5, chapter 5, part

2;

(3)(c) legal services division:

(a)(i) bill drafting legal review of draft bills;

(b)(ii) legal counseling on legislative matters;

(e)(iii) committee staffing legal support for consolidated entities; and

(iv) support for the functions of the code commissioner provided in 1-11-201;

(d) committee services:

(i) research, legal, and administrative staff support for consolidated committees as assigned, including support for interim committees organized under Title 5, chapter 5, part 2; and

(ii) research and legal support for legislative standing and select committees;

(4)(e) management and business services division, which shall:

(a)(i) maintain bookkeeping financial records;

(b)(ii) sign claims and payrolls;

(e)(iii) order all coordination of procurement of printing, supplies, and equipment; and

(d)(iv) serve the house and senate during the session maintenance of property inventories;

(f) personnel and administrative services:

(i) legislative branch rules for classification and pay; and

(ii) branch personnel and administrative policies; and

(g) information technology services:

(i) branch network support services;

(ii) application support and development;

(iii) communications support and coordination; and

(iv) information technology planning.

(2) The responsibilities of the legislative services division must be fulfilled collaboratively with consolidated entities whenever the efficient operation of the branch is served."

Section 25. Section 5-11-201, MCA, is amended to read:

"5-11-201. Journals -- how authenticated -- filing. The journal of the senate must be authenticated by the signature of the president and the journal of the house of representatives by the signature of the speaker. Each authenticated journal must be filed with the secretary of state. A copy of each authenticated journal must be filed with the legislative ~~council~~ services division."

Section 26. Section 5-11-202, MCA, is amended to read:



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

"5-11-202. Printing of session laws. The legislative ~~council~~ services division shall deliver to the appropriate printer, at the earliest practicable day after the final adjournment of each session of the legislature, copies of all laws and resolutions passed or adopted during the session. The session laws must be delivered to the appropriate printer in the form provided for in 5-11-205 and 5-11-206."

Section 27. Section 5-11-203, MCA, is amended to read:

"5-11-203. Distribution of session laws -- inspection of journals. (1) Immediately after the session laws are published, the legislative ~~council~~ services division shall distribute them.

(2) The ~~council~~ legislative services division shall make the house and senate journals available for inspection or copying by the public as provided in Title 2, chapter 6, part 1. The ~~council~~ legislative services division may publish the journals in an electronic format.

(3) The following entities may receive the number of copies of session laws listed at no cost:

- (a) to the library of congress, eight copies;
- (b) to the state library, two copies;
- (c) to the state historical library, two copies;
- (d) to the state law librarian, four copies for the use of the library and additional copies as may be required for exchange with libraries and institutions maintained by other states and territories and public libraries;
- (e) to the library of each custodial institution, one copy;
- (f) to each Montana member of congress, each United States district judge in Montana, each of the judges of the state supreme and district courts, and each of the state officers as defined in 2-2-102(8), one copy;
- (g) to any agency, board, commission, or office of the state, other than a state officer, and to any other subdivision of the state upon request and approval by the legislative council, one copy;
- (h) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the laws were adopted, one copy;
- (i) to each of the community college districts of the state, as defined in 20-15-101, and each unit of the Montana university system, one copy;
- (j) to each county clerk, one copy for the use of the county; and
- (k) to each county attorney and to each clerk of a district court, one copy."

Section 28. Section 5-11-205, MCA, is amended to read:

"5-11-205. Publication of laws -- format. (1) The legislative ~~council~~ services division shall publish all laws and resolutions passed or adopted by each session of the legislature in a publication to be known as the Laws of Montana.

(2) Laws of each session must be printed in the Laws of Montana in the order that they have been filed in the office of the secretary of state with the chapter number assigned by the secretary of state as the heading. The chapter number must also appear as part of each page heading. In all laws containing amendments to an existing law, the new parts designated in the act by underlining must be printed in italics in the Laws of Montana and deleted provisions must be shown as stricken. The senate or house bill number may be omitted from each act.

(3) Reference to the laws of a legislative session may be made as follows: "Chapter .... (giving number), Laws of .... (giving the year enacted)".

(4) Resolutions adopted by each session of the legislature must be printed in a separate section of the Laws of Montana with the type of resolution and its number as a heading.

(5) The legislative ~~council~~ services division shall also publish in the Laws of Montana the indexes required by 5-11-206."

Section 29. Section 5-11-206, MCA, is amended to read:

"5-11-206. Index -- list. (1) The legislative ~~council~~ services division shall prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislature. The index ~~shall~~ must be a thorough index of the laws and resolutions and of each subject contained in or covered by the laws and resolutions, together



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

with a cross-index to assist in readily finding any subject contained in each volume. A separate index must be prepared for appropriation bills passed by each session of the legislature.

(2) For the purpose of uniformity in indexes, the index of each succeeding publication of the session laws ~~shall~~ must conform as nearly as practicable with those of the volumes preceding it.

(3) There ~~shall~~ must also be prepared for each publication of the session laws a "code sections affected list" showing what sections of the Montana Code Annotated have been amended or repealed by any laws enacted by that session of the legislature."

Section 30. Section 5-11-207, MCA, is amended to read:

"5-11-207. Description of county boundaries included in session laws. The legislative ~~council~~ services division shall include in the published session laws a description of the county boundaries of any new counties of the state created by petition and election, commencing with counties created after January 1, 1921, by inserting in each set of session laws new counties that have been created since the publication of the laws of the previous session."

Section 31. Section 5-11-208, MCA, is amended to read:

"5-11-208. Expenses. The expenses incurred by the legislative ~~council~~ services division in carrying into effect 5-11-202, 5-11-203, and 5-11-205 through 5-11-207, ~~as amended~~, must be paid out of money specifically appropriated for that purpose."

Section 32. Section 5-11-209, MCA, is amended to read:

"5-11-209. Codes -- availability to legislators -- reserved for use by legislative committees. (1) Immediately after the Montana Code Annotated statute text and histories are bound following each legislative session, the legislative ~~council~~ services division shall make available one set of these volumes to each member of the legislature at a charge of \$10.

(2) The legislative ~~council~~ services division shall reserve 50 sets of the Montana Code Annotated statute text and histories for the use of the standing and select committees of the legislature.

(3) Costs associated with providing code sets as required by this section ~~shall~~ must be paid out of the state special revenue fund account established under 1-11-301."

Section 33. Section 5-11-301, MCA, is amended to read:

"5-11-301. Functions of legislative council -- interstate and international cooperation. It ~~shall be~~ is a function of the legislative council to:

(1) carry forward the participation of the state of Montana as a member of the council of state governments and the national conference of state legislatures, and the legislative council is ~~hereby~~ designated as the Montana commission on interstate and international cooperation;

(2) encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise with the other states, with the federal government, and with local units of government, as well as tribal governments, bordering Canadian provinces, and regions designated as sister states by the legislature;

(3) establish ~~such~~ delegations and committees as may be ~~deemed~~ considered advisable to confer with similar delegations and committees from other states, provinces, and countries concerning problems of mutual interest. The membership of ~~such~~ the delegations and committees may consist of legislators and employees of the state other than members of the legislative council. ~~Members~~ Legislative members of ~~such~~ the delegations and committees ~~shall~~ must be reimbursed and compensated as provided in 5-2-302.

(4) endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

of research and information, and any other suitable process;

(5) make appointments to any policy committee established by the Pacific Northwest economic region as provided in 5-11-703(2)."

Section 34. Section 5-11-402, MCA, is amended to read:

"5-11-402. Legislative branch computer system planning council. There is a legislative branch computer system planning council composed of:

- (1) the secretary of the senate or another representative of the senate designated by the president;
- (2) the chief clerk of the house of representatives or another representative of the house designated by the speaker;
- (3) the sergeants-at-arms in the two houses or another representative of each house designated by the ~~chairman~~ presiding officer of the legislative administration committee of that house;
- (4) the executive director of the legislative ~~council~~ services division, who shall chair the planning council;
- (5) the legislative auditor;
- (6) the legislative fiscal analyst;
- ~~(7) the executive director of the environmental quality council;~~
- ~~(8)(7)~~ the consumer counsel; and
- ~~(9)(8)~~ a person designated by the director of the department of administration to represent the data processing policy and planning functions of the department, who shall serve as a nonvoting member of the planning council."

Section 35. Section 5-11-404, MCA, is amended to read:

"5-11-404. Technical support. (1) The executive director of the legislative ~~council~~ services division shall provide technical staff support to the legislative branch computer system planning council. In performing this duty, the legislative ~~council staff~~ services division shall assist the planning council by:

- (a) developing or having developed analyses of existing and alternate systems;
  - (b) providing technical solutions and advice related to the standards set by the planning council;
  - (c) assisting in assessing benefits and costs of optional solutions;
  - (d) apprising the planning council of developments and directions in the industry;
  - (e) maintaining a liaison with and informing the planning council of plans and directions within the executive branch; assisting in the selection and purchasing of supplies and equipment; and
  - (f) providing other assistance as may be requested.
- (2) The executive director shall encourage participation of appropriate personnel of the senate, the house of representatives, and other legislative ~~agencies~~ entities in the provision of technical support."

Section 36. Section 5-11-405, MCA, is amended to read:

"5-11-405. Legislative branch computer system plan -- adoption. The legislative branch computer system plan must be approved and adopted ~~jointly~~ by the legislative ~~administration committees of the senate and the house of representatives~~ council."

Section 37. Section 5-12-202, MCA, is amended to read:

"5-12-202. Appointment of members. (1) The legislative finance committee consists of:

- (a) ~~four~~ two members of the senate finance and claims committee appointed by the ~~chairman~~ presiding officer, no more than one of whom may be from the same political party;
- (b) ~~two~~ four members of the senate appointed at large by the committee on committees, no more than two of whom may be from the same political party;
- (c) two members of the senate taxation committee appointed by the presiding officer, no more than one of whom may be from the same political party;
- (c) ~~four~~ two members of the house of representatives appropriations committee appointed by the ~~chairman~~



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

presiding officer, no more than one of whom may be from the same political party; and

(d) ~~two~~ four members of the house appointed at large by the speaker, no more than two of whom may be from the same political party; and

(e) two members of the house taxation committee appointed by the presiding officer, no more than one of whom may be from the same political party.

(2) These members ~~shall~~ must be appointed before the end of each legislative session. No more than ~~three~~ four members of each house, ~~two committee members and one at large member,~~ may be from the same political party."

Section 38. Section 5-12-204, MCA, is amended to read:

"5-12-204. Vacancies. If a vacancy occurs on the committee when the legislature is not in session, the remaining members shall select a member of the appropriate political party and appropriate committee, as provided in 5-12-202, to complete the unexpired term. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under 5-12-202."

Section 39. Section 5-12-205, MCA, is amended to read:

"5-12-205. Powers and duties of committee. The committee may:

(1) organize, adopt rules to govern its proceedings, and meet as often as necessary, upon the call of the ~~chairman~~ presiding officer, to advise and consult with the legislative fiscal analyst;

(2) employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst, ~~who.~~ The legislative fiscal analyst shall serve at the pleasure of and be responsible ~~to~~ for providing services to the committee; and,

(3) exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title-;

(4) review all proposed rules of the department of revenue that are filed with the secretary of state;

(5) when considered necessary:

(a) request and obtain the department's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit the recommendations to the department;

(c) submit oral or written testimony at a rulemaking hearing;

(d) require the department to appear before the committee and respond to the committee's recommendations for the adoption, amendment, or rejection of a rule;

(e) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(f) recommend to the legislature the adoption, amendment, or repeal of a rule as provided in 2-4-412;

(g) institute, intervene in, or otherwise participate in proceedings involving the legality of a rule under the Montana Administrative Procedure Act in the state and federal courts and administrative agencies;

(h) review the incidence and conduct of the department's administrative proceedings;

(i) require the department to publish the full or partial text of any pertinent material adopted by reference under 2-4-307;

(j) by an affirmative vote of at least six members of the committee, contract for the preparation of an economic impact statement or require the department to prepare an economic impact statement, following the provisions of 2-4-405;

(k) petition the department to promulgate, amend, or repeal a rule. Within 60 days after submission of a petition, the department shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rulemaking proceedings in accordance with 2-4-302 through 2-4-305.

(l) make written objection to a proposed rule of the department for lack of substantial compliance with



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

2-4-302 through 2-4-305. The provisions of 2-4-406 govern the objection procedure, the department's response, and the procedure for and effect of publication of the objection in the Montana Administrative Register and the Administrative Rules of Montana.

(m) petition the department for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the department. A copy of a declaratory ruling must be filed with the secretary of state for publication in the register. A declaratory ruling or the refusal to issue a ruling is subject to judicial review in the same manner as decisions or orders in contested cases under the Montana Administrative Procedure Act.

(n) petition for judicial review of the sufficiency of the reasons for the department's finding of imminent peril to the public health, safety, or welfare, cited in support of an emergency or temporary rule proposed by the department under 2-4-303; and

(o) require the department to conduct the biennial review of its rules as required in 2-4-314 and report its findings to the committee;

(6) exercise legislative oversight of the department of revenue, including without limitation the review of:

(a) proposed budgets;

(b) proposed legislation;

(c) pending litigation; and

(d) major contracts and personnel actions of the department;

(7) when considered necessary, investigate and issue reports on any matter concerning taxation or the department of revenue;

(8) prepare by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation. The committee's estimate, as introduced in the legislature, constitutes the legislature's current revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the legislature's estimates and the assumptions underlying the estimates will be used by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes.

(9) when considered necessary:

(a) review the programs financed by coal severance tax funds;

(b) consider any matters relating to coal taxation; and

(c) prepare for the legislature a report, as provided in 5-11-210, on potential uses of the coal tax trust fund to develop a stable, strong, and diversified Montana economy that meets the needs of present and future generations of Montanans while maintaining and improving a clean and healthful environment as required by Article IX, section 1, of the Montana constitution."

Section 40. Section 5-12-301, MCA, is amended to read:

"5-12-301. ~~Office of legislative~~ Legislative fiscal analyst division. There is ~~an office of a~~ legislative fiscal division analyst. The legislative fiscal analyst shall manage the legislative fiscal division to support the legislative finance committee and carry out the provisions of this chapter."

Section 41. Section 5-12-302, MCA, is amended to read:

"5-12-302. Fiscal analyst's duties. The legislative fiscal analyst shall:

(1) provide for fiscal analysis of state government and accumulate, compile, analyze, and furnish ~~such~~ information bearing upon the financial matters of the state that is relevant to issues of policy and questions of statewide importance, including but not limited to investigation and study of the possibilities of effecting economy and efficiency in state government;

(2) estimate revenue from existing and proposed taxes;

(3) analyze the executive budget and budget requests of selected state agencies and institutions, including proposals for the construction of capital improvements, and submit comments and recommendations regarding the proposed executive budget to the budget director by December 15 preceding the 1997 legislative session. The comments and recommendations must be in a jointly prescribed format and must be included in the budget document

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

prepared under 17-7-123;

(4) make the reports and recommendations ~~he deems that the legislative fiscal analyst considers~~ desirable to the legislature and make reports and recommendations as requested by the legislative finance committee and the legislature; and

(5) assist committees of the legislature and individual legislators in compiling and analyzing financial information; and

(6) ~~assist the revenue oversight committee in performing its revenue estimating duties under 5-18-107(5).~~"

Section 42. Section 5-12-303, MCA, is amended to read:

"5-12-303. Fiscal analysis information from state agencies. (1) The legislative fiscal analyst may investigate and examine the costs and revenues of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential records.

(2) When confidential records and information are obtained from a state agency, the legislative fiscal analyst and staff must be subject to the same penalties for unauthorized disclosure of the confidential records and information provided for under the laws administered by the state agency. The legislative fiscal analyst shall develop policies to prevent the unauthorized disclosure of confidential records and information obtained from state agencies.

(3) The legislative fiscal analyst may not obtain copies of individual income tax records protected under 15-30-303. The department of revenue shall make individual income tax data available by removing names, addresses, occupations, social security numbers, and taxpayer identification numbers. The department of revenue may not alter the data in any other way. The data is subject to the same restrictions on disclosure as are individual income tax returns.

(4) The budget director shall furnish the legislative fiscal analyst with copies of all budget requests, in a format agreed upon by both the office of budget and program planning and the legislative fiscal analyst, at the time of submission to the budget director as provided by law and, if requested, all underlying and supporting documentation. In preparing the executive budget for the next biennium for submission to the legislature, the budget director shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

(5) In the year preceding each legislative session, the budget director shall furnish the legislative fiscal analyst, ~~on a confidential basis and~~ in a format agreed upon by both the office of budget and program planning and the legislative fiscal analyst:

(a) by October 10, a preliminary budget reflecting the base budget and, by November 1, a present law base for each agency and a copy of the documents that reflect the anticipated receipts and other means of financing the base budget and present law base for each fiscal year of the ensuing biennium;

(b) by November 15, a preliminary budget that must meet the statutory requirements for submission of the budget to the legislature and a summary of the preliminary budget designed for distribution to members and members-elect of the legislature;

(c) by November 12, a paper copy and an electronic copy of the documents that reflect expenditures to the second level, as provided in 17-1-102(3), by funding source and detailed by accounting entity; and

(d) by December 15, all amendments to the preliminary budget.

(6) Within 1 day after the legislative finance committee presents its budget analysis to the legislature, the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement recommendations by second-level expenditure detail and by funding sources detailed by accounting entity. This information must be filed in the respective offices and be made available to the legislature and the public. In preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

(7) This section does not authorize publication or public disclosure of information if the law prohibits publication or disclosure."

Section 43. Section 5-12-304, MCA, is amended to read:

"5-12-304. Employees and consultants. The legislative fiscal analyst may ~~employ,~~ engage personnel and



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

consultants to fulfill the duties of the division within the limits of appropriations for the division. The legislative fiscal analyst may define the duties of personnel engaged and shall fix the salaries of employees in accordance with the rules for classification and pay adopted by the legislative council, and define the duties of such staff and consultants as may be necessary, within the limits of his appropriation."

Section 44. Section 5-13-202, MCA, is amended to read:

"5-13-202. Appointment and term of members -- officers -- vacancies. (1) The legislative audit committee consists of four members of the senate and four members of the house of representatives appointed before the 60th legislative day of each regular session in the same manner as standing committees of the respective houses are appointed. No more than two of the appointees of each house may be members of the same political party.

(2) A member of the committee shall serve until his term of office as a legislator ends or until his successor is appointed, whichever occurs first.

(3) The committee shall elect one of its members as chairman and such other officers as it considers necessary.

(4) A vacancy on the committee occurring when the legislature is not in session shall be filled by the selection of a member of the legislature by the remaining members of the committee. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under subsection (1)."

Section 45. Section 5-13-301, MCA, is amended to read:

"5-13-301. ~~Office of legislative auditor~~ Legislative audit division. There is ~~an office of the~~ a legislative audit division auditor. The legislative auditor is responsible ~~for performing~~ to manage the division in order to perform the duties imposed by this chapter."

Section 46. Section 5-13-302, is amended to read:

"5-13-302. Appointment and qualifications. (1) The committee shall appoint the legislative auditor and set his the legislative auditor's salary in accordance with the rules for classification and pay adopted by the legislative council.

(2) The legislative auditor shall hold a degree from an accredited college or university with a major in accounting or an allied field and shall have at least 2 years' experience in the field of governmental accounting and auditing."

"Section 47. Section 5-13-304, is amended to read:

"5-13-304. Powers and duties. The legislative auditor shall:

(1) conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law;

(2) conduct a special audit whenever the legislative auditor determines it necessary and shall so advise the members of the legislative audit committee;

(3) make a complete written report of each audit. A copy of each report must be furnished to the department of administration, the state agency ~~which~~ that was audited, each member of the committee, and the legislative ~~council~~ services division.

(4) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information available relative to the violation;

(5) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(6) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

any obligation under the bond.

(7) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency shall obtain the written consent of the grantee to the audit provided for in this subsection."

Section 48. Section 5-13-305, MCA, is amended to read:

"5-13-305. Employees, consultants, and legal counsel -- cure for impairment. (1) The legislative auditor may appoint and define the duties of whatever employees and consultants who are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations. The legislative auditor shall set the pay for employees in accordance with the rules for classification and pay adopted by the legislative council. The legislative auditor may employ legal counsel to conduct proceedings under this chapter.

(2) The legislative auditor shall inform the legislative council and the legislative audit committee in writing of an administrative policy or rule adopted under 5-11-105 that may impair the independence of the division, along with a statement of the reasons for the opinion and suggested changes to cure the impairment. The legislative council shall review the rule in question and adopt a revision that is generally applicable to the legislative branch and that is designed to cure the impairment. While the impairment exists, the legislative audit committee may adopt a specific exemption to the questioned rule that states the alternative rule to be employed under the exemption."

Section 49. Section 5-14-103, MCA, is amended to read:

"5-14-103. Vacancies. A vacancy on the committee occurring when the legislature is not in session shall be filled by the selection of a member of the legislature by the remaining members of the committee. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under 5-14-101."

Section 50. Section 5-15-104, MCA, is amended to read:

"5-15-104. Vacancies. A vacancy on the committee occurring when the legislature is not in session shall be filled by the selection of a legislator by the remaining members of the committee. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under 5-15-101."

Section 51. Section 5-16-104, MCA, is amended to read:

"5-16-104. Vacancies. (1) A vacancy on the council of a member appointed under 5-16-101(2) occurring when the legislature is not in session shall be filled by the selection of a member of the legislature by the same method as the original appointment. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under 5-16-101.

(2) (a) When a vacancy on the council of a member appointed under 5-16-101(3) has occurred or is expected to occur, the appointing authority shall have posted in a conspicuous place in the state capitol a notice announcing the actual or anticipated vacancy and describing the procedure for applying for appointment.

(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor, who may publish the notice in an appropriate publication."

Section 52. Section 5-18-108, MCA, is amended to read:

"5-18-108. Biennial critique. The legislative finance committee shall prepare a biennial critique of the department of revenue's activities that the department shall publish as an appendix to the biennial report of the

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

department."

Section 53. Section 5-18-109, MCA, is amended to read:

"5-18-109. Legislative intent -- poll. (1) If the legislature is not in session, the legislative finance committee may poll the members of the legislature by mail to determine whether a proposed rule of the department of revenue is consistent with the intent of the legislature.

(2) If 20 or more legislators object in writing to any rule of the department of revenue, the committee shall poll the members of the legislature.

(3) The poll ~~shall~~ must include an opportunity for the department of revenue to present a written justification for the rule to the members of the legislature."

Section 54. Section 5-18-110, MCA, is amended to read:

"5-18-110. Evidentiary value of legislative poll. (1) The results of a poll conducted by the legislative finance committee are admissible in a court proceeding involving the validity of a rule.

(2) If the results of the poll show that the majority of the members of both houses find a rule contrary to the intent of the legislature, the rule ~~shall~~ must be conclusively presumed to be contrary to the legislative intent in a court proceeding involving its validity."

Section 55. Section 5-18-115, MCA, is amended to read:

"5-18-115. Report to ~~revenue oversight~~ legislative finance committee. The department of revenue shall at the request of the ~~revenue oversight~~ legislative finance committee report to the ~~revenue oversight~~ committee on the department's progress in completing the revaluation cycle."

Section 56. Section 5-19-104, MCA, is amended to read:

"5-19-104. Vacancies. (1) A vacancy occurring during a legislative session must be filled in the same manner as the original appointment. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment no later than the 10th legislative day.

(2) A vacancy occurring when the legislature is not in session must be filled by the selection of a member from the appropriate house and political party by the remaining members of the committee.

(3) An appointment to the committee under this section is for the unexpired term of the original member."

Section 57. Section 5-19-107, MCA, is amended to read:

"5-19-107. Staff assistance. The legislative ~~council~~ services division shall provide staff assistance to the committee. The legislative ~~council~~ services division has the same authority of investigation and examination as it has for other committees under 5-11-106, and the legislative council has the same authority to hold hearings on behalf of the committee as it has for other committees under ~~5-11-106 and 5-11-107.~~"

Section 58. Section 13-27-201, MCA, is amended to read:

"13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

of the bill drafting manual furnished by the legislative ~~council~~ services division. If sheets are circulated in sections, the complete text of the measure must be attached to each section."

Section 59. Section 13-27-202, MCA, is amended to read:

"13-27-202. Recommendations -- approval of form required. (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative ~~council~~ services division for review.

(b) The ~~council~~ legislative services division staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the ~~council~~ legislative services division staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

(d) The person submitting the text shall consider ~~any such~~ the recommendations and respond in writing to the ~~council~~ legislative services division, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative ~~council~~ services division shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy ~~thereof~~ of the correspondence available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for ~~his~~ approval. The secretary of state and attorney general ~~must~~ shall each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any. The secretary of state or the attorney general may not reject the petition solely because the text contains material not submitted to the legislative ~~council~~ services division unless the material not submitted to the legislative ~~council~~ services division is a substantive change not suggested by the legislative ~~council~~ services division.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval or rejection within 28 days after submission of the petition sheet. If the petition is rejected, the notice must include reasons for rejection.

(5) A petition with technical defects in form may be approved with the condition that those defects will be corrected before the petition is circulated for signatures.

(6) The secretary of state shall upon request provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, and the statements of implications, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state."

Section 60. Section 13-27-504, MCA, is amended to read:

"13-27-504. Copy of approved issues to be sent to legislative ~~council~~ services division. The secretary of state shall send a certified copy of all ballot issues ~~which that~~ have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the ~~executive director of the legislative council~~ legislative services division at the same time ~~he transmits that~~ a certified copy of the statement of the canvass is transmitted to the governor."

Section 61. Section 15-70-234, MCA, is amended to read:

"15-70-234. Cooperative agreement -- motor fuels taxes. In order to prevent the possibility of dual taxation



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

of motor fuels purchased by Montana citizens and businesses on Indian reservations, the department of transportation and an Indian tribe may enter into a cooperative agreement. The department of transportation may, with the concurrence of the attorney general, include as a member of the negotiating team a representative of the department of justice who has expertise in Indian matters. The department of transportation shall report the status of cooperative agreement negotiations to each meeting of the ~~revenue oversight~~ legislative finance committee. After negotiations are complete, the agreement must be presented to the ~~revenue oversight~~ legislative finance committee for review and comment before the final agreement is submitted to the attorney general for approval pursuant to 18-11-105."

Section 62. Section 16-2-101, MCA, is amended to read:

"16-2-101. Establishment and closure of state liquor stores -- agency franchise agreement -- kinds and prices of liquor and table wine. (1) (a) The department shall establish and maintain one or more stores, to be known as "state liquor stores", as the department finds feasible for the sale of liquor and table wine in accordance with the provisions of this code and the rules adopted under this code.

(b) The department shall enter into an agency franchise agreement or employ the necessary help to operate the stores and shall designate the duties to be performed by the agent or employees.

(c) Once established, a store may not be closed, converted to an agency store, or sold by the department unless:

(i) the store is returning less than a 10% profit to the state; or

(ii) the closure or sale is approved by the legislature.

(2) The department may from time to time fix the prices at which the various classes, varieties, and brands of liquor and table wine may be sold, and prices must be the same at all state stores.

(3) (a) State liquor stores must be considered for closure, conversion, or sale only when a store lease expires. Prior to the expiration of a lease, the department may conduct a financial profitability analysis using the criteria in subsection (1)(c)(i). In computing profit levels of state-operated stores, the costs of the licensing bureau and the legal and enforcement division, other than inspection costs directly attributable to liquor stores, may not be included as expenses. The ~~revenue oversight~~ legislative finance committee must be informed of all plans for conversion, sale, or closure of state liquor stores.

(b) Agency stores may not be located in or adjacent to grocery stores in communities with populations over 3,000. This provision is applicable only to agency agreements entered into after May 11, 1987.

(4) Agency stores must receive commissions based on adjusted gross sales as follows:

(a) a 10% commission for agencies in communities with less than 3,000 in population;

(b) a commission established by competitive bidding for agencies in communities with 3,000 or more in population.

(5) An agency franchise agreement must:

(a) be effective for a 10-year period and may be renewed every 10 years if the requirements of the agency franchise agreement have been satisfactorily performed;

(b) require the agent to maintain comprehensive general liability insurance and liquor liability insurance throughout the term of the agency franchise agreement in an amount established by the department of administration. The insurance policy must:

(i) declare the department as an additional insured; and

(ii) hold the state harmless and agree to defend and indemnify the state in a cause of action arising from or in connection with the agent's negligent acts or activities in the execution and performance of the agency franchise agreement.

(c) require the agent to provide performance security in an amount equal to the average monthly value of inventory at cost based on the most recent 12-month period of inventory value at the agency store location or, if a 12-month history is not available, the department's estimate of the average value; and

(d) specify the reasonable service and space requirements that the agent will provide throughout the term of the agency franchise agreement.

(6) The commission percentage that the department pays the agent under an agency franchise agreement

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

may be reviewed every 5 years at the request of either party. If the agent concurs, the department may adjust the commission percentage to be paid during the remaining term of the agency franchise agreement to a commission percentage that is equal to the average commission percentage being paid agents with similar sales volumes if:

- (a) the agent's commission percentage is less than the average; and
- (b) all the requirements of the agency franchise agreement have been satisfactorily performed.

(7) The liability insurance and performance security requirements may be reviewed every 5 years at the request of either the agent or the department. If the agent concurs, the department may adjust the requirements to be effective during the remaining term of the agency franchise agreement if the adjustments adequately protect the state from risks associated with the loss of state assets or from the agent's negligent acts or activities in the execution and performance of the agency franchise agreement. The amount of insurance coverage may not be less than the minimum requirements of the department of administration.

(8) (a) Except as provided in subsection (8)(b), an agency franchise agreement must be renewed for additional 10-year periods if the agent has satisfactorily performed all the requirements of the agency franchise agreement. Except for establishing the new term and except for a commission percentage that may be negotiated as provided in subsection (8)(b), changes in the agency franchise agreement as a result of a renewal may not be made unless the agent and the department mutually agree.

(b) If at least 90 days prior to the expiration of a 10-year agency franchise agreement, the department determines that an adjustment of the commission percentage paid to the agent is in the best interests of the state, the department shall notify the agent of that determination.

(c) If the agent does not concur with the department's commission percentage adjustment, the department shall advertise for bids for the agency franchise at the adjusted commission percentage, subject to the provisions of this chapter. If bids from persons who meet the criteria provided in this chapter are received by the department for the agency franchise at the adjusted commission percentage, the agent under the existing franchise agreement has a preference right to renew the franchise agreement by concurring in the adjusted commission percentage.

(d) If the agent under the existing franchise agreement declines to exercise the preference right under subsection (8)(c), the department shall enter into an agency franchise agreement as provided in this chapter with a person who accepted the adjusted commission percentage.

(e) If the agent exercises the preference right and believes the adjusted commission percentage to be inadequate or not in the best interests of the state, the agent may request an administrative hearing. The request must contain a statement of reasons why the agent believes the commission percentage to be inadequate or not in the state's best interests. The department shall grant the request for a hearing if it determines that the statement indicates evidence that the adjusted commission percentage is inadequate or not in the state's best interests. The department may, after the hearing, adjust the commission percentage if the agent shows that the commission percentage is inadequate or not in the best interests of the state. If the department increases the commission percentage rate, the department shall set forth its findings and conclusions in writing and inform the agent and the other persons who offered to enter into an agency agreement at the adjusted commission rate.

(9) The department may terminate an agency franchise agreement if the agent has not satisfactorily performed the requirements of the agency franchise agreement or in the following cases:

(a) Except in the case of suspected theft or unauthorized use of state assets, the department shall give an agent 30 days' notice of its intent to terminate the agency franchise agreement for cause and specify the unmet requirements. The agent may contest the agency franchise agreement termination and request a hearing within 30 days. If a hearing is requested, the department shall suspend its termination order until after a final decision has been made pursuant to the Montana Administrative Procedure Act.

(b) If an agent is suspected of theft or unauthorized use of state assets, the department may terminate the agency franchise agreement and retrieve its assets immediately. If an agency franchise agreement is terminated, the agent may contest the agency franchise agreement termination and request a hearing within 30 days of the department's retrieval of assets. The agency store shall remain closed until a final decision has been reached following a hearing held pursuant to the Montana Administrative Procedure Act.

(10) An agency franchise agreement may be terminated upon mutual agreement by the agent and the



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

department.

(11) An agent may assign an agency franchise agreement to a person who, upon approval of the department, is named agent in the agency franchise agreement, with the rights, privileges, and responsibilities of the original agent for the remaining term of the agency franchise agreement. The agent shall notify the department of an intent to assign the agency franchise agreement 60 days before the intended effective date of the assignment. The department may not unreasonably withhold approval of an assignment request.

(12) An agency agreement in effect on March 30, 1993, must be converted upon request of the agent and approval of the department to a 10-year agency franchise agreement pursuant to subsections (5) through (11) without competitive bids or proposals.

(13) The department shall maintain sufficient inventory in the state warehouse in order to meet a monthly service level of at least 97%."

Section 63. Section 17-5-1650, MCA, is amended to read:

"17-5-1650. Annual report. By December 31 of each year, the board shall publish a financial report for distribution to the governor, the legislature, and the public. Distribution to the legislature is accomplished by providing two copies to the ~~office of the legislative fiscal analyst, two copies to the~~ legislative council services division, and a copy to a legislator on request. The report must include a statement of the board's current financial position with respect to its activities under this part, a summary of its activities pursuant to this part during the previous year (including a listing of the local governmental securities purchased by the board, a listing of the bonds and notes sold by the board, and a summary of the performance of any other investments of the board's funds received under this part), an estimate of the levels of activities for the next year, and a comparison of the activities during the previous year with the estimates of those activities that were made in the previous annual report."

Section 64. Section 17-7-123, MCA, is amended to read:

"17-7-123. Form of executive budget. The budget submitted must set forth a balanced financial plan for the state government for each fiscal year of the ensuing biennium, which plan must consist of:

(1) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that shows a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by explanatory schedules or statements, classifying receipts and disbursements contained therein by fund and, when applicable, organizational unit;

(2) an analysis of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;

(3) a detailed analysis of receipts by accounting entity within fund indicating classification and source of funds;

(4) a departmental analysis summarizing past and proposed spending plans by agency and the means of financing the proposed plan. Information presented must include the following:

(a) a summary of departmental goals and objectives and a statement of goals and objectives for each program of the department;

(b) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the current base budget and the current base budget plus new proposals, if any, for each department and each program of the department;

(c) a reference for each program as required under 17-7-111(2)(e); and

(d) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category and other matters considered necessary; ~~and~~

(5) detailed recommendations for the state long-range building program. Each recommendation must be presented by department, institution, agency, or branch by funding source, with a description of each proposed project. An appropriation measure must be presented by project, source of funding, and department, agency,



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

institution, or branch for which the project is primarily intended.

(6) the comments of the legislative fiscal analyst submitted to the budget director as provided in 5-12-302;  
and

(7) for the 1997 legislative session, a document prepared in accordance with this section presented in a loose-leaf binder."

Section 65. Section 17-7-402, MCA, is amended to read:

"17-7-402. Budget amendment requirements. (1) Except as provided in subsection (6), a budget amendment may not be approved:

(a) by the approving authority to spend a new source of revenue that was available for legislative consideration during the most recent legislative session open to that matter, except a budget amendment to spend:

(i) additional federal revenue;

(ii) additional tuition collected by the Montana university system;

(iii) additional revenue deposited in the internal service funds within the department or the office of the commissioner of higher education as a result of increased service demands by state agencies;

(iv) Montana historical society enterprise revenue resulting from sales to the public; or

(v) additional revenue deposited in funds, other than the general fund, from the sale of fuel for those agencies participating in the Montana public vehicle fueling program established by Executive Order 22-91, ~~or a new source of revenue that was not available for legislative consideration during the most recent legislative session open to that matter;~~

(b) by the approving authority, which if the budget amendment contains any significant ascertainable commitment for any present or future increased general fund support;

(c) by the approving authority, for the expenditure of money in the state special revenue fund unless an emergency justifies the expenditure;

(d) by the approving authority, unless it will provide additional services;

(e) by the approving authority, for any matter of which the requesting agency had knowledge at a time when the proposal could have been presented to an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of the most recent legislative session open to that matter; or

(f) to extend beyond June 30 of the last year of any biennium.

(2) All budget amendments must itemize planned expenditures by fiscal year.

(3) Each budget amendment must be submitted by the approving authority to the budget director and the ~~office of the~~ legislative fiscal analyst.

(4) Money from nonstate or nonfederal sources that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a written agreement, such as a contract, trust agreement, or donation, ~~is subject to the review process provided in 17-7-114 and~~ is exempt from the requirements of this part.

(5) An appropriation that would usually be the subject of a budget amendment that is submitted to the legislature for approval during a legislative session may not include authority to spend money beyond the first fiscal year of the next biennium.

(6) A budget amendment to spend state funds, other than from the general fund, required for matching funds in order to receive a grant is exempt from the provisions of subsection (1)."

Section 66. Section 17-7-404, MCA, is amended to read:

"17-7-404. Budget amendment procedures. (1) Upon receiving a proposed budget amendment, the approving authority shall immediately forward a copy of the entire budget amendment to the legislative fiscal analyst.

(2) If the approving authority denies the request for a budget amendment, ~~he~~ the approving authority shall immediately forward a notice of denial to the legislative fiscal analyst.

(3) If the approving authority intends to make certification of the budget amendment, immediately upon ~~his~~ completion of the certification ~~he~~ the approving authority shall forward the certification and all supporting

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

documentation to the legislative fiscal analyst. The approving authority may not approve the budget amendment until he receives the legislative finance committee's written report for that budget amendment unless:

(a) the report is not received within 90 calendar days from the date the certification and supporting documentation were forwarded to the finance committee, in which case the approving authority may approve the budget amendment; or

(b) there has been a waiver of review and report as provided in subsection (6).

(4) The legislative fiscal analyst shall review each proposed budget amendment that has been certified by the approving authority for compliance with statutory budget amendment requirements and standards and shall present a written report of this review to the legislative finance committee. Within 10 days after the meeting of the legislative finance committee that considered the budget amendment, the legislative fiscal analyst shall submit the committee's report to the approving authority.

(5) Upon receipt of the legislative finance committee's written report, the approving authority may approve or deny the budget amendment or may return the budget amendment to the requesting agency for further information. If the approving authority has returned the budget amendment to the requesting agency and the requesting agency resubmits the budget amendment to the approving authority, all procedures set out in this section apply to the resubmitted budget amendment.

(6) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive his written review and the legislative finance committee's written report required by this section. Upon receipt of such waiver, the approving authority may approve the budget amendment on completion of his certification. Such a waiver, however, affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the budget amendment, and all other budget amendment requirements and standards remain in effect. After such a waiver, the legislative fiscal analyst may complete the written review.

(7)(4) ~~Nothing in this~~ This part confers does not confer any authority on the legislative finance committee to approve or deny budget amendments."

Section 67. Section 18-1-118, MCA, is amended to read:

"18-1-118. Access to records of contracting entities. Money may not be spent by a state agency under a contract with a nonstate entity unless the contract contains a provision that allows the legislative auditor ~~and the legislative fiscal analyst~~ sufficient access to the records of the nonstate entity to determine whether the parties have complied with the terms of the contract. The access to records is necessary to carry out the functions provided for in Title 5, chapters 12 and 13. A state agency may terminate a contract, without incurring liability, for the refusal of a nonstate entity to allow access to records as required by this section."

Section 68. Section 22-1-218, MCA, is amended to read:

"22-1-218. Exemptions. This part does not apply to officers of or affect the duties concerning publications distributed by:

- (1) the state law library;
- (2) the code commissioner in connection with his duties under Title 1, chapter 11, as amended; and
- (3) the legislative ~~council~~ services division in connection with its duties under 5-11-203, as amended."

Section 69. Section 39-30-103, MCA, is amended to read:

"39-30-103. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Eligible spouse" means the spouse of a handicapped person determined by the department of social and rehabilitation services to have a 100% disability who is unable to use his an employment preference because of his the disability.

(2) "Handicapped person" means an individual certified by the department of social and rehabilitation services to have a physical or mental impairment that substantially limits one or more major life activities, such as writing, seeing, hearing, speaking, or mobility, and that limits the individual's ability to obtain, retain, or advance



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

in employment.

(3) (a) "Initial hiring" means a personnel action for which applications are solicited from outside the ranks of the current employees of:

(i) a department, as defined in 2-15-102, for a position within the executive branch;

(ii) a legislative agency, ~~such as the consumer counsel, environmental quality council, office of the legislative auditor, legislative council, or office of the legislative fiscal analyst,~~ for a position within the legislative branch;

(iii) a judicial agency, such as the office of supreme court administrator, office of supreme court clerk, state law library, or similar office in a state district court for a position within the judicial branch;

(iv) a city or town for a municipal position, including a city or municipal court position; and

(v) a county for a county position, including a justice's court position.

(b) A personnel action limited to current employees of a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), current employees in a reduction-in-force pool who have been laid off from a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), or current participants in a federally authorized employment program is not an initial hiring.

(4) (a) "Mental impairment" means:

(i) suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

(ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

(5) "Position" means a permanent or seasonal position as defined in 2-18-101 for a state position or a similar permanent or seasonal position with a public employer other than the state. However, the term does not include:

(a) a temporary position as defined in 2-18-101 for a state position or similar temporary position with a public employer other than the state;

(b) a state or local elected official;

(c) employment as an elected official's immediate secretary, legal advisor, court reporter, or administrative, legislative, or other immediate or first-line aide;

(d) appointment by an elected official to a body such as a board, commission, committee, or council;

(e) appointment by an elected official to a public office if the appointment is provided for by law;

(f) a department head appointment by the governor or an executive department head appointment by a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local government; or

(g) engagement as an independent contractor or employment by an independent contractor.

(6) (a) "Public employer" means:

(i) any department, office, board, bureau, commission, agency, or other instrumentality of the executive, judicial, or legislative branch of the government of the state of Montana; and

(ii) any county, city, or town.

(b) The term does not include a school district, a vocational-technical center or program, a community college, the board of regents of higher education, the Montana university system, a special purpose district, an authority, or any political subdivision of the state other than a county, city, or town.

(7) "Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Section 70. Section 41-3-1002, MCA, is amended to read:

"41-3-1002. ~~Establishment of pilot program~~ Interest in local review board. (4) The office of the supreme court administrator shall solicit written indication of interest from each youth court judge interested in having a local citizen review board established pursuant to this part within the jurisdiction of the youth court.

~~(2) (a) There is a local citizen review board screening committee. The committee is composed of the following members:~~

- ~~(i) a member of the house of representatives, designated by the speaker of the house;~~
- ~~(ii) a member of the senate, designated by the president of the senate;~~
- ~~(iii) a representative of the Montana judges' association, designated by the association; and~~
- ~~(iv) a representative of the office of the supreme court administrator, designated by the chief justice of the supreme court.~~

~~(b) The members designated pursuant to subsections (2)(a)(i) and (2)(a)(ii) must be from different political parties.~~

~~(3) The committee shall meet at a time agreeable to its members, and the members shall serve without additional compensation.~~

~~(4) The committee shall review the responses of youth court judges received pursuant to subsection (1) and shall designate judicial districts to operate a local citizen review board pilot program from among those courts expressing an interest in the program."~~

Section 71. Section 44-12-206, MCA, is amended to read:

"44-12-206. Disposition of proceeds of sale ~~—report.~~ (1) Whenever property is seized, forfeited, and sold under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

(a) to the holders of security interests who have presented proper proof of their claims, if any, up to the amount of their interests in the property;

(b) the remainder, if any, to the county treasurer of the county in which the property was seized, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(c) through (1)(e);

(c) if the property was seized within the corporate limits of a city or town by a law enforcement agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(d) and (1)(e);

(d) if the property was seized by an employee of the state, the remainder, if any, to the account established in subsection (3), except as provided in subsection (1)(e); and

(e) if the property was seized as a result of the efforts of more than one law enforcement agency, the remainder, if any, to the accounts required by this subsection (1), pro rata in the proportions represented by the agencies' expenses of investigation, as determined by the attorney general.

(2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture account must in each fiscal year be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

(3) Net proceeds received by the state under subsections (1)(d) and (1)(e) must be deposited in an account in the state special revenue fund to the credit of the department of justice. The department may expend the money in the account only for purposes of enforcement of drug laws. An amount up to \$125,000 each year is statutorily appropriated, as provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of \$125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4.

~~(4) The attorney general shall provide the legislative finance committee and the legislative auditor with a detailed, written report of the amounts and property credited to the account no later than 4 months after the end of each fiscal year. The attorney general may not disclose any information that would compromise any investigation or prosecution."~~

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Section 72. Section 44-13-103, MCA, is amended to read:

"44-13-103. Limitations on use of special law enforcement assistance account ~~—report.~~ (1) After property is credited to the account, the attorney general may:

(a) transfer the property to any local or state law enforcement agency to be used for criminal investigation purposes;

(b) sell the property by public sale;

(c) destroy any illegal or controlled substances and sell or destroy raw materials, products, and equipment used or intended for use in manufacturing, compounding, or processing a controlled substance;

(d) compromise and pay claims against the property; and

(e) make any other disposition of the property authorized by law.

(2) Money and proceeds from property credited to the account may be used by the attorney general for:

(a) the payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell seized, detained, or forfeited property, including but not limited to payment for contract services and reimbursement to a federal, state, or local agency for its expenses;

(b) the payment of awards for information or assistance leading to a criminal proceeding or a civil forfeiture proceeding;

(c) the compromise and payment of claims against property;

(d) the payment of sums for criminal investigation purposes, including but not limited to:

(i) payment of informants;

(ii) use by undercover agents to purchase unlawful substances, including, without limitation, counterfeit or real controlled substances, pornographic materials, stolen property, or other contraband;

(iii) use by undercover agents as gambling front money; and

(iv) payment of overtime to state or local law enforcement officers when engaged in special criminal investigations;

(e) the payment of funds into the account created by 53-9-109; and

(f) matching federal grants for criminal investigation purposes.

~~(3) The attorney general shall submit to the legislative finance committee and the legislative auditor a detailed written report of the amounts and property credited to the account and of the disposition of money and property credited to the account, but may not make any disclosure that would compromise any investigation or prosecution."~~

Section 73. Section 60-11-111, MCA, is amended to read:

"60-11-111. Identification and acquisition of railroad rights-of-way -- identification of railroad lines for rehabilitation. (1) Identification of those railroad lines proposed for abandonment in the state of Montana that may have potential for local transportation service or future use as transportation corridors is necessary to determine the feasibility of acquisition by the state and to allow the state to negotiate for acquisition of those railroad lines or easements therein in the lines.

(2) Identification of those railroad branch lines in the state that may have potential for local rail freight transportation service is necessary to determine the feasibility of providing loans or grants to the owner or operator of the railroad line as provided in 60-11-120.

(3) The department of transportation:

(a) shall identify railroad rights-of-way in this state that may be abandoned and research the feasibility of acquisition by the state of Montana of those rights-of-way that may be abandoned;

(b) shall identify, under the state rail planning program, railroad branch lines that should be preserved for continued operation;

~~(c) shall report periodically to the legislative finance committee, created in 5-12-201, on the progress of the duties imposed upon it pursuant to subsections (3)(a) and (3)(b);~~

~~(d)(c)~~ may negotiate for and acquire easements in the rights-of-way or the railroad rights-of-way and attendant facilities identified pursuant to subsection (3)(a) and:



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(i) hold all acquired lands in trust for transportation purposes; and  
(ii) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to the local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired in subsection ~~(3)(d)~~ (3)(c);

~~(e)~~(d) shall cooperate with and assist persons representing recreational, transportation, and utility interests and other interested persons, including adjacent landowners, in acquiring ownership or easement of abandoned railbeds; and

~~(f)~~(e) shall establish procedures, including the use of federal funds received for rail freight assistance programs under 49 U.S.C. 1654, for providing loans and grants under 60-11-120.

(4) Abandoned rights-of-way acquired and held in trust pursuant to subsection ~~(3)(d)(i)~~ (3)(c)(i) must be administered by the department of state lands, as prescribed in Title 77, until the land is needed for transportation purposes."

Section 74. Section 72-16-447, MCA, is amended to read:

"72-16-447. Application for in-kind payment -- in-kind review committee -- review process. (1) Upon written application from a receiving entity, the department of revenue shall notify the ~~revenue oversight legislative finance~~ committee that such an application has been received.

(2) Upon receipt of such the notification, the ~~revenue oversight legislative finance~~ committee shall appoint an in-kind review committee. The in-kind review committee ~~must be comprised~~ is composed of the following persons, appointed by the ~~revenue oversight legislative finance~~ committee:

(a) a representative of the receiving entity; and

(b) six members representing the county in which the property proposed for in-kind payment lies or was situated at the time of death of the person whom the donor represents, as follows:

(i) one member of the county commission;

(ii) one state senator;

(iii) one state representative; and

(iv) three residents from the community at large.

(3) The in-kind review committee is a voluntary review committee and is entitled to no compensation or reimbursement of expenses for its review, recommendation, or any other activity.

(4) The in-kind review committee ~~will~~ shall advise the department and the ~~revenue oversight legislative finance~~ committee as to the following:

(a) proposed and potential uses of the property;

(b) where applicable, methods and potential sources for rehabilitation, maintenance, and general support of the property alternative to the statement submitted by the receiving entity pursuant to 72-16-448.

(5) Upon completion of its review, the in-kind review committee shall submit a report in written form to the ~~revenue oversight legislative finance~~ committee and the department, ~~which that~~ must be considered in determining whether to recommend that the legislature approve the in-kind payment.

(6) The in-kind review committee has 180 days from the date written application is received by the department from the receiving entity within which to make its report.

(7) The department shall, as provided in 72-16-438, defer payment of inheritance or estate tax that is under review for in-kind payment, so that the tax due is exempt from the interest penalty imposed under 72-16-441."

Section 75. Section 72-16-448, MCA, is amended to read:

"72-16-448. Receipt of application for in-kind payment -- limitations. (1) Upon receipt of the written application of a receiving entity and the report, if any, of the in-kind review committee, the department of revenue, after consultation with the ~~revenue oversight legislative finance~~ committee, may recommend that the legislature approve acceptance by the department as in-kind payment of all or a portion of estate or inheritance taxes property consisting of any object of significant artistic merit, any site of significant historical interest, or any interest in real property having recreational, conservation, or wildlife value.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(2) A written application pursuant to subsection (1) must be accompanied by a statement from the receiving entity concerning the methods available for the maintenance, supervision, and care of the object, site, or interest in real property.

(3) The department may accept an in-kind payment if:

- (a) the total estate and inheritance taxes due exceed \$100,000;
- (b) the value of the in-kind payment does not exceed \$400,000; and
- (c) it has received the approval of the legislature."

Section 76. Section 72-16-450, MCA, is amended to read:

"72-16-450. Receipts of in-kind payments -- recording. Title or possession of the in-kind payment must be taken in the name of the state of Montana by the receiving entity. The receiving entity shall promptly notify the department of revenue and the ~~revenue oversight~~ legislative finance committee of the receipt of the in-kind payment and the proper recording of any interest in real property. Upon ~~such~~ notification, the department shall notify the county treasurer and state treasurer of the in-kind payment. The in-kind payment must be recorded and credited as if money had been received for payment of the inheritance or estate tax."

Section 77. Section 75-1-201, MCA, is amended to read:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state ~~shall~~ must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) ~~utilize~~ use a systematic, interdisciplinary approach ~~which that~~ will ~~insure~~ ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking ~~which that~~ may have an impact on ~~man's~~ the human environment;

(ii) identify and develop methods and procedures ~~which that~~ will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

Strike: "insure"

Insert: "ensure"

(iii) include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects ~~which that~~ cannot be avoided ~~should if~~ the proposal ~~be is~~ implemented;

(C) alternatives to the proposed action;

(D) the relationship between local short-term uses of ~~man's~~ the human environment and the maintenance and enhancement of long-term productivity; and

(E) any irreversible and irretrievable commitments of resources ~~which that~~ would be involved in the proposed action ~~should if~~ it ~~be is~~ implemented;

(iv) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal ~~which that~~ involves unresolved conflicts concerning alternative uses of available resources;

(v) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of ~~mankind's~~ the world environment;

(vi) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(vii) initiate and ~~utilize~~ use ecological information in the planning and development of resource-oriented

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

projects; and

(viii) assist the environmental quality council established by 5-16-101; and

(c) prior to making any detailed statement as provided in subsection (1)(b)(iii), the responsible state official shall consult with and obtain the comments of any state agency ~~which~~ that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of ~~such~~ the statement and the comments and views of the appropriate state, federal, and local agencies ~~which~~ that are authorized to develop and enforce environmental standards ~~shall~~ must be made available to the governor, the environmental quality council, and the public and ~~shall~~ must accompany the proposal through the existing agency review processes.

(2) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(3) (a) ~~Until the board of oil and gas conservation adopts a programmatic environmental statement, but no later than December 31, 1989, the issuance of a permit to drill a well for oil or gas is not a major action of state government as that term is used in subsection (1)(b)(iii).~~

(b) ~~The board of oil and gas conservation shall adopt a programmatic statement by December 31, 1989, that must include but not be limited to:~~

(i) ~~such environmental impacts as may be found to be associated with the drilling for and production of oil and gas in the major producing basins and ecosystems in Montana;~~

(ii) ~~such methods of accomplishing drilling and production of oil and gas as may be found to be necessary to avoid permanent impairment of the environment or to mitigate long term impacts so that the environment and renewable resources of the ecosystem may be returned to either conditions similar to those existing before drilling or production occurs or conditions that reflect a natural progression of environmental change;~~

(iii) ~~the process that will be employed by the board of oil and gas conservation to evaluate such environmental impacts of individual drilling proposals as may be found to exist;~~

(iv) ~~an appropriate method for incorporating such environmental review as may be found to be necessary into the board's rules and drill permitting process and for accomplishing the review in an expedient manner;~~

(v) ~~the maximum time periods that will be required to complete the drill permitting process, including any environmental review; and~~

(vi) ~~a record of information and analysis for the board of oil and gas conservation to rely upon in responding to public and private concerns about drilling and production.~~

(c) ~~The governor shall direct and have management responsibility for the preparation of the programmatic statement, including responsibility on behalf of the board of oil and gas conservation for the disbursement and expenditure of funds necessary to complete the statement. The facilities and personnel of appropriate state agencies must be used to the extent the governor deems necessary to complete the statement. The governor shall forward the completed draft programmatic statement to the board of oil and gas conservation for hearing pursuant to the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4. Following completion of a final programmatic statement, the governor shall forward the statement to the board for adoption and use in the issuance of permits to drill for oil and gas.~~

(d) ~~Until the programmatic environmental statement is adopted, the board of oil and gas conservation shall prepare a written progress report after each regular meeting of the board and after any special board meeting that addresses the adoption or implementation of the programmatic environmental statement. A copy of each report must be sent to the environmental quality council."~~

Section 78. Section 75-1-323, MCA, is amended to read:

"75-1-323. Appointment of employees Staff for environmental quality council. The ~~executive director,~~ subject to the approval of the council, may appoint ~~whatever~~ legislative services division shall assign sufficient and ~~appropriing~~ employees are necessary to support the environmental quality council in order that it may ~~to~~ carry out the provisions of parts 1 through 3, its statutory duties, within the limitations of legislative appropriations. The committee staff is a principal subdivision within the legislative services division. There is within the legislative services division a legislative environmental analyst. The legislative environmental analyst is the primary staff



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

person for the environmental quality council and shall coordinate staff support services provided to the environmental quality council."

Section 79. Section 75-1-324, MCA, is amended to read:

"75-1-324. Duties of ~~executive director and staff~~ environmental quality council. ~~It shall be the duty and function of the executive director and the staff to~~ The environmental quality council shall:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret ~~such the~~ the information for the purpose of determining whether ~~such the~~ the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to ~~such the~~ the conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which ~~such the~~ the programs and activities are contributing to the achievement of ~~such the~~ the policy and make recommendations to the governor and the legislature with respect ~~thereto~~ to the policy;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish ~~such~~ studies, reports thereon on studies, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan; and

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among ~~such the~~ the activities and with a general ecologic perspective, and suggest legislation to remedy ~~such the~~ the situations."

Section 80. Section 85-1-203, MCA, is amended to read:

"85-1-203. State water plan. (1) The department shall gather from any source reliable information relating to Montana's water resources and prepare from the information a continuing comprehensive inventory of the water resources of the state. In preparing this inventory, the department may conduct studies; adopt studies made by other competent water resource groups, including federal, regional, state, or private agencies; perform research or employ other competent agencies to perform research on a contract basis; and hold public hearings in affected areas at which all interested parties must be given an opportunity to appear.

(2) The department shall formulate and, with the approval of the board, adopt and amend, extend, or add to a comprehensive, coordinated multiple-use water resources plan known as the "state water plan". The state water plan may be formulated and adopted in sections, these sections corresponding with hydrologic divisions of the state. The state water plan must set out a progressive program for the conservation, development, and utilization of the state's water resources and propose the most effective means by which these water resources may be applied for the benefit of the people, with due consideration of alternative uses and combinations of uses. Before adopting the state water plan or any section of the plan, the department shall hold public hearings in the state or in an area of the state encompassed by a section of the plan if adoption of a section is proposed. Notice of the hearing or hearings



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

must be published for 2 consecutive weeks in a newspaper of general county circulation in each county encompassed by the proposed plan or section of the plan at least 30 days prior to the hearing.

(3) The department shall submit to the ~~water policy committee~~ environmental quality council established in ~~85-2-105 5-16-101~~ and to the legislature at the beginning of each regular session the state water plan or any section of the plan or amendments, additions, or revisions to the plan that the department has formulated and adopted.

(4) The legislature, by joint resolution, may revise the state water plan.

(5) The department shall prepare a continuing inventory of the ground water resources of the state. The ground water inventory must be included in the comprehensive water resources inventory described in subsection (1) but must be a separate component of the inventory.

(6) The department shall publish the comprehensive inventory, the state water plan, the ground water inventory, or any part of each, and the department may assess and collect a reasonable charge for these publications.

(7) In developing and revising the state water plan as provided in this section, the department shall consult with the ~~water policy committee~~ environmental quality council established in ~~85-2-105 5-16-101~~ and solicit the advice of the committee in carrying out its duties under this section."

Section 81. Section 85-1-621, MCA, is amended to read:

"85-1-621. Report. The department shall prepare a biennial report describing the status of the renewable resource grant and loan program. The report must describe ongoing projects and projects that have been completed during the biennium. The report must identify and rank in order of priority the projects for which the department has received applications. The report must also describe proposed projects and activities for the coming biennium and recommendations for necessary appropriations. A copy of the report must be submitted to the ~~water policy committee~~ environmental quality council established in ~~85-2-105 5-16-101~~."

Section 82. Section 85-2-105, MCA, is amended to read:

"85-2-105. ~~Water policy committee~~ Environmental quality council -- water policy duties. (1) ~~There is a permanent water policy committee of the legislature. The committee consists of eight members. The senate committee on committees and the speaker of the house of representatives shall each appoint four members on a bipartisan basis. The committee shall elect its chairman and vice chairman. The environmental quality council committee shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.~~

(2) On a continuing basis, the ~~committee~~ environmental quality council shall:

(a) advise the legislature on the adequacy of the state's water policy and of important state, regional, national, and international developments ~~which that~~ affect Montana's water resources;

(b) oversee the policies and activities of the department of natural resources and conservation, other state executive agencies, and other state institutions, as they affect the water resources of the state; and

(c) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the ~~committee~~ environmental quality council shall:

(a) analyze and comment on the state water plan required by 85-1-203, when filed by the department;

(b) analyze and comment on the report of the status of the state's renewable resource grant and loan program required by 85-1-621, when filed by the department;

(c) analyze and comment on water-related research undertaken by any state agency, institution, college, or university;

(d) analyze, verify, and comment on the adequacy of and information contained in the water resources data management system maintained by the department under 85-2-112; and

(e) report to the legislature as provided in 5-11-210.

(4) The ~~environmental quality council~~ legislative services division shall provide staff assistance to the ~~committee~~ environmental quality council to carry out its water policy duties. ~~The committee may contract with experts and consultants, in addition to receiving assistance from the environmental quality council, in carrying out~~

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

its duties under this section."

Section 83. Section 85-2-436, MCA, is amended to read:

"85-2-436. (Temporary) Water leasing study. (1) The department of fish, wildlife, and parks and the department, in consultation with the ~~water policy committee~~ environmental quality council, shall conduct and coordinate a study that, at a minimum:

(a) provides the following data for each designated stream reach and each pilot lease entered into under subsection (2):

(i) the length of the stream reach and how it is determined;

(ii) technical methods and data used to determine critical streamflow or volume needed to preserve fisheries;

(iii) legal standards and technical data used to determine and substantiate the amount of water available for instream flows through leasing of existing rights;

(iv) contractual parameters, conditions, and other steps taken to ensure that each lease in no way harms other appropriators, particularly if the stream is one that experiences natural dewatering; and

(v) methods and technical means used to monitor use of water under each lease;

(b) based on the data provided under subsection (1)(a), develops a complete model of a water lease and lease authorization that includes a step-by-step explanation of the process from initiation to completion.

(2) For purposes of undertaking the study described in subsection (1) and as authorized by law, the department of fish, wildlife, and parks and the department may engage in the activities described in this subsection. For purposes of this study, this section is the exclusive means by which the department of fish, wildlife, and parks may seek to change an appropriation right to an instream flow purpose.

(a) The department of fish, wildlife, and parks, with the consent of the commission, may lease existing rights for the purpose of maintaining or enhancing streamflows for the benefit of fisheries in stream reaches determined eligible by the board pursuant to 85-2-437.

(b) Upon receipt of a correct and complete application for a lease from the department of fish, wildlife, and parks, the department shall publish notice of the application as provided in 85-2-307. Parties who believe they may be adversely affected by the proposed lease may file an objection as provided in 85-2-308. A lease may not be approved until all objections are resolved. After resolving all objections filed under 85-2-308, the department shall authorize a lease of an existing right for the purpose of maintaining or enhancing streamflows for the benefit of fisheries if the applicant submits a correct and complete application and meets the requirements of 85-2-402.

(c) The application for a lease authorization must include specific information on the length and location of the stream reach in which the streamflow must be maintained or enhanced and must provide a detailed streamflow measuring plan that describes the points where and the manner in which the streamflow must be measured.

(d) The maximum quantity of water that may be leased is the amount historically diverted by the lessor. However, only the amount historically consumed, or a smaller amount if specified by the department in the lease authorization, may be used to maintain or enhance streamflows below the lessor's point of diversion.

(e) The lease may not be issued for a term of more than 10 years, but it may be renewed once for up to 10 years, except that a lease of water made available from the development of a water conservation or storage project is restricted to a term of not more than 20 years. Upon receiving notice of a lease renewal, the department shall notify other appropriators potentially affected by the lease and shall allow 30 days for submission of new evidence of adverse effects to other water rights. A lease authorization is not required for a renewal unless an appropriator other than an appropriator described in subsection (2)(i) submits evidence of adverse effects to the appropriator's rights that has not been considered previously. If new evidence is submitted, a lease authorization must be obtained according to the requirements of 85-2-402.

(f) During the term of the lease, the department may modify or revoke the lease authorization if an appropriator other than an appropriator described in subsection (2)(i) proves by a preponderance of evidence that the appropriator's water right is adversely affected.

(g) The priority of appropriation for a lease under this section is the same as the priority of appropriation



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

of the right that is leased.

(h) Neither a change in appropriation right nor any other authorization is required for the reversion of the appropriation right to the lessor's previous use.

(i) A person issued a water use permit with a priority of appropriation after the date of filing of an application for a lease authorization under this section may not object to the exercise of the lease according to its terms or the reversion of the appropriation right to the lessor according to the lessor's previous use.

(j) The department of fish, wildlife, and parks shall pay all costs associated with installing devices or providing personnel to measure streamflows according to the measuring plan submitted under this section.

(3) (a) The department of fish, wildlife, and parks shall complete and submit to the board, commission, and ~~water policy committee~~ environmental quality council an annual study progress report by December 1 of each year. This report must include the applicable information listed in subsection (1) for each lease, a summary of stream reach designation activity under 85-2-437, and a summary of leasing activity on all designated streams. If the department of fish, wildlife, and parks has not leased additional water rights under this section by December 1 of any year, the department of fish, wildlife, and parks shall provide compelling justification for that fact in the study progress report.

(b) A final study report must be adopted by the board and commission and submitted to the ~~water policy committee~~ environmental quality council, which shall complete the final report by December 1, 1998.

(4) This section does not create the right for a person to bring suit to compel the renewal of a lease that has expired. (Terminates June 30, 1999--sec. 4, Ch. 740, L. 1991.)"

Section 84. Section 90-4-302, MCA, is amended to read:

"90-4-302. Definitions. As used in this part, the following definitions apply:

(1) "Bulk pipeline terminal" means a facility that is primarily used for storage for marketing of petroleum products and that has total bulk storage capacity of 50,000 gallons or more.

~~(2) "Committee" means the energy policy committee established in 90-4-303.~~

~~(3)~~(2) "Distributor" means any person, private corporation, partnership, producer, individual proprietorship, public utility, joint operating agency or cooperative ~~which that~~ engages in or is authorized to engage in the activity of generating, producing, transmitting, or distributing energy in this state.

~~(4)~~(3) "Energy" means petroleum or other liquid fuels, natural or synthetic fuel gas, or electricity.

~~(5)~~(4) "Energy emergency" means an existing or imminent domestic, regional, or national shortage of energy ~~which that~~ will result in curtailment of essential services or production of essential goods or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved and the allocation of available energy supplies among users.

~~(6)~~(5) "Energy facility" means a facility ~~which that~~ produces, extracts, converts, transports, or stores energy.

~~(7)~~(6) "Energy supply alert" means a condition of energy supply on a national, regional, state, or local basis ~~which that~~ foreseeably will affect significantly the availability of essential energy supplies within the ensuing 90-day period unless action is taken under 90-4-309 to reduce energy usage by state agencies and political subdivisions.

~~(8)~~(7) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, joint operating agency, or any other entity, public or private, however organized.

~~(9)~~(8) "Petroleum pipeline company" means a person who owns or operates in Montana any pipeline used for the transportation of petroleum products or their derivatives. This definition does not include pipelines used to transport crude petroleum from producing wells to refineries.

~~(10)~~(9) "Petroleum products" means propane, butane, propane/butane mix, motor gasoline, kerosene and other middle distillates, aviation gasoline, jet fuel, number 4 fuel oil, residual fuel oil, and alcohol fuels, whether in natural or synthetic form.

~~(11)~~(10) "Prime petroleum supplier" means the person who makes the first sale of a petroleum product



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

into the state distribution system. Any person who is considered to be a Montana prime supplier by the U.S. department of energy is included in this definition.

(12)(11) "Refiner" means a person that owns, operates, or controls the operations of one or more refineries located in Montana.

(13)(12) "Refinery" means an industrial plant, regardless of capacity, that processes fossil or renewable feedstock or manufactures refined petroleum products, except when the plant exclusively produces petrochemicals."

Section 85. Section 90-4-305, MCA, is amended to read:

"90-4-305. Information obtainable by governor. (1) The governor may obtain information on a regular basis from energy resource producers, suppliers, public agencies, and consumers and from political subdivisions in this state that is necessary for ~~him the governor, with advice of the committee,~~ to determine the need for energy supply alert and emergency declarations. ~~Such~~ The information may include, but is not limited to:

(a) sales volumes by customer classifications other than for petroleum products;

(b) forecasts of energy resource requirements for the particular type of energy involved for a period not to exceed 2 years; and

(c) inventory of energy resources and reserves available for use in meeting a shortage in a particular energy source.

(2) In order to help anticipate and mitigate the effects of shortages of petroleum products, the governor may monitor the supply of and demand for these products by obtaining the following monthly reports submitted no later than 20 days after the last day of the month, on forms prescribed by the governor, from the following persons:

(a) Each refiner shall submit Montana refinery processing data by fuel type in custody including:

(i) inventory stocks at the beginning and end of the month;

(ii) receipts during the month;

(iii) inputs during the month;

(iv) production during the month;

(v) shipments, losses, and refinery fuel use during the month.

(b) Each prime petroleum supplier shall submit:

(i) 3-month projections of his Montana supply and stock of petroleum products that ~~he~~ the supplier anticipates supplying to Montana customers; and

(ii) the actual volume of petroleum products delivered in the state the previous month.

(c) Each petroleum pipeline company shall submit reports by fuel type of Montana pipeline terminal delivery, throughput, and export.

(d) Each bulk pipeline terminal operator shall submit end-of-month reports of inventory stock levels of finished petroleum products in custody in Montana by type of product and storage location.

(e) Each prime petroleum supplier shall submit quarterly reports of ~~his~~ monthly marketing sales in Montana by standard point locator index, or other method prescribed by the governor, and fuel type of petroleum products designated by the governor.

(3) In obtaining information under subsections (1) and (2) ~~of this section~~ during a state of energy emergency, the governor may subpoena witnesses, material, and relevant books, papers, accounts, records, and memoranda; administer oaths; and cause the depositions of persons residing within or without Montana to be taken in the manner prescribed for depositions in civil actions in district courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency or associated disaster.

(4) In obtaining information under this section, the governor shall:

(a) avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state, or local regulatory authority that is available for ~~his~~ the governor's study; and

(b) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities.

(5) Except as provided in subsection (2), ~~nothing in this part requires~~ does not require the disclosure by a distributor of confidential information, trade secrets, or other facts of a proprietary nature.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(6) (a) The information required under subsection (2) ~~of this section~~ is subject to the following restrictions:

(i) Except in accordance with a proper judicial order, ~~no~~ a public officer or employee charged by the governor with the custody of this information may not divulge or make known in any manner any information that is specific to a particular distributor.

(ii) The public officers and employees charged by the governor with the custody of the information provided for in subsection (2) may not be required to produce any of it or evidence of anything contained in it on behalf of any party to any action or proceeding under this part, except when the information concerned is directly involved in the action or proceeding, in which case only that information directly pertinent to the action or proceeding may be admitted.

(b) ~~Nothing in this~~ This section shall does not preclude access to ~~such~~ the information by the legislative auditor in carrying out ~~his~~ the functions under Title 5, chapter 13.

~~(7) The governor shall forward to the committee such information collected under this section as the committee may request and shall advise the committee of the progress of the information gathering process."~~

Section 86. Section 90-4-307, MCA, is amended to read:

"90-4-307. Submission and approval of curtailment plans. (1) The governor may at any time require a distributor of an energy resource to prepare for ~~his~~ the governor's approval a plan for the curtailment of the distribution of that resource in the event of a state of energy emergency. Plans ~~shall~~ must be submitted in ~~such~~ the form and within ~~such~~ limits as that the governor shall specify and ~~shall~~ must recognize the obligations and duties ~~which that~~ may be placed upon distributors subject to this part by other jurisdictions, both state and federal.

(2) Approval of plans for curtailment ~~shall~~ must be based on the following factors:

- (a) the consistency of the plan with the public health, safety, and welfare;
- (b) the technical feasibility of implementation of the plan;
- (c) the effectiveness with which the plan minimizes the impact of any curtailment;
- (d) the needs of commercial, agricultural, retail, professional, and service establishments whose normal function is to supply goods or services, or both, of an essential nature, including but not limited to food, lodging, fuel, and medical care facilities; and
- (e) the regional agreements or contracts of the distributors; ~~and~~
- ~~(f) the advice of the committee."~~

Section 87. Section 90-4-308, MCA, is amended to read:

"90-4-308. Governor's considerations. In determining whether to declare an energy supply alert or energy emergency, the governor shall consider:

- (1) availability of regional and national energy resources;
- (2) local, state, regional, and national energy needs and shortages;
- (3) availability of short-term alternative supplies on a local, state, regional, and national basis;
- (4) the economic effect of ~~such~~ the declaration and the implementation of any curtailment or conservation plans;
- ~~(5) the advice of the committee; and~~
- ~~(6)~~ (5) any other relevant factors."

Section 88. Section 90-4-310, MCA, is amended to read:

"90-4-310. Energy emergency powers of governor. In addition to ~~his~~ existing powers and duties, the governor ~~shall have~~ has the following duties and special energy emergency powers, subject to the definitions and limitations in this part:

(1) The governor ~~with the advice of the committee~~ may, upon finding that a situation exists ~~which that~~ threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of energy emergency, at which time all of the general and specific emergency powers ~~further~~ enumerated in this section ~~shall~~ become effective.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(2) The condition of energy emergency terminates after 45 consecutive days unless extended by a declaration of the legislature by joint resolution of a continuing condition of energy emergency of a duration to be established by the legislature.

(3) The conditions of an energy emergency alternatively cease to exist upon a declaration to that effect by either of the following:

(a) the governor; or

(b) the legislature, by joint resolution if in regular or special session.

(4) In a declared state of energy emergency, the governor may, ~~with the advice of the committee:~~

(a) implement ~~such~~ programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy; ~~provided that~~ However, in so doing, the governor shall impose controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency;

(b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and

(c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states, localities, and other persons.

(5) ~~Nothing in this~~ This part means does not mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this part has any continuing legal effect after the cessation of a declared state of energy emergency.

(6) Because of the emergency nature of this part, all actions authorized or required ~~hereunder~~ under this part or taken pursuant to any order issued by the governor are exempted from all requirements and provisions of the Montana Environmental Policy Act of 1971, including but not limited to the requirement for environmental impact statements.

(7) Except as provided in this section, ~~nothing in this part exempts~~ does not exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order of the governor."

Section 89. Section 90-4-313, MCA, is amended to read:

"90-4-313. Compliance. Notwithstanding any provision of law or contract to the contrary, all persons who are specifically ordered by the governor ~~with the advice of committee~~ to comply with an order issued or action taken pursuant to this part shall comply."

Section 90. Section 90-8-311, MCA, is amended to read:

"90-8-311. Legislative review and oversight. The department shall report on an annual basis to the ~~revenue oversight legislative finance committee of the legislature~~ concerning Montana capital companies and the Montana small business investment capital company."

NEW SECTION. Section 91. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 5, chapter 2, and the provisions of Title 5 apply to [sections 1 through 4].

NEW SECTION. Section 92. Transition. (1) The members of the legislative council must be appointed, as provided in 5-11-101, and the members of the legislative finance committee, as provided in 5-12-202, as soon as possible following [the effective date of this section].

(2) To implement the changes provided in [this act], the office of the legislative council, the office of budget and program planning, and the department of administration shall establish all necessary authorizations during the accounting preparation process known as the "turnaround" process, beginning in April or May 1995, to administer the several appropriations made by any means to programs of the legislative branch agencies consolidated



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

under [sections 3 and 4] for fiscal year 1996 or 1997 or the biennium ending June 30, 1997, as appropriations to a single legislative agency while maintaining the specific identification, legislative intent, and purpose for which the appropriations were made. During this transition, the executive director may authenticate documents as required to accomplish the purposes of [this act]. Appropriate changes on the statewide budgeting and accounting system and the payroll, personnel, and position control system must also be made and authorized as required to accomplish the purposes of [this act].

(3) Personnel and property of the environmental quality council are transferred to the legislative services division effective July 1, 1995.

NEW SECTION. Section 93. Repealer. Sections 1-13-101, 1-13-102, 1-13-103, 1-13-105, 1-13-111, 5-12-402, 5-18-101, 5-18-102, 5-18-103, 5-18-104, 5-18-105, 5-18-106, 5-18-107, 17-7-114, 23-7-203, 75-1-321, 75-1-322, and 90-4-303, MCA, are repealed.

NEW SECTION. Section 94. Effective dates. (1) [Sections 17, 37, 92, and this section] are effective on passage and approval.

(2) Except as provided in subsection (1), [this act] is effective July 1, 1995."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Adverse committee report adopted :

3/21/95

**HB 160**, introduced by Curtiss

**HB 273**, introduced by Grinde, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 3/21/95 to the House with the following vote:

YEAS - 14

NAYS - 36

House bill concurred in and returned to the House:

3/12/95

**HB 424**, introduced by Keenan

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/21/95

**HB 89**, introduced by Peck

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(2) The condition of energy emergency terminates after 45 consecutive days unless extended by a declaration of the legislature by joint resolution of a continuing condition of energy emergency of a duration to be established by the legislature.

(3) The conditions of an energy emergency alternatively cease to exist upon a declaration to that effect by either of the following:

(a) the governor; or

(b) the legislature, by joint resolution if in regular or special session.

(4) In a declared state of energy emergency, the governor may, ~~with the advice of the committee:~~

(a) implement ~~such~~ programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy; ~~provided that~~ However, in so doing, the governor shall impose controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency;

(b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and

(c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states, localities, and other persons.

(5) ~~Nothing in this~~ This part ~~means~~ does not mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this part has any continuing legal effect after the cessation of a declared state of energy emergency.

(6) Because of the emergency nature of this part, all actions authorized or required ~~hereunder~~ under this part or taken pursuant to any order issued by the governor are exempted from all requirements and provisions of the Montana Environmental Policy Act of 1971, including but not limited to the requirement for environmental impact statements.

(7) Except as provided in this section, ~~nothing in this part exempts~~ does not exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order of the governor."

Section 89. Section 90-4-313, MCA, is amended to read:

"90-4-313. Compliance. Notwithstanding any provision of law or contract to the contrary, all persons who are specifically ordered by the governor ~~with the advice of committee~~ to comply with an order issued or action taken pursuant to this part shall comply."

Section 90. Section 90-8-311, MCA, is amended to read:

"90-8-311. Legislative review and oversight. The department shall report on an annual basis to the ~~revenue oversight legislative finance committee of the legislature~~ concerning Montana capital companies and the Montana small business investment capital company."

NEW SECTION. Section 91. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 5, chapter 2, and the provisions of Title 5 apply to [sections 1 through 4].

NEW SECTION. Section 92. Transition. (1) The members of the legislative council must be appointed, as provided in 5-11-101, and the members of the legislative finance committee, as provided in 5-12-202, as soon as possible following [the effective date of this section].

(2) To implement the changes provided in [this act], the office of the legislative council, the office of budget and program planning, and the department of administration shall establish all necessary authorizations during the accounting preparation process known as the "turnaround" process, beginning in April or May 1995, to administer the several appropriations made by any means to programs of the legislative branch agencies consolidated

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

under [sections 3 and 4] for fiscal year 1996 or 1997 or the biennium ending June 30, 1997, as appropriations to a single legislative agency while maintaining the specific identification, legislative intent, and purpose for which the appropriations were made. During this transition, the executive director may authenticate documents as required to accomplish the purposes of [this act]. Appropriate changes on the statewide budgeting and accounting system and the payroll, personnel, and position control system must also be made and authorized as required to accomplish the purposes of [this act].

(3) Personnel and property of the environmental quality council are transferred to the legislative services division effective July 1, 1995.

NEW SECTION. Section 93. Repealer. Sections 1-13-101, 1-13-102, 1-13-103, 1-13-105, 1-13-111, 5-12-402, 5-18-101, 5-18-102, 5-18-103, 5-18-104, 5-18-105, 5-18-106, 5-18-107, 17-7-114, 23-7-203, 75-1-321, 75-1-322, and 90-4-303, MCA, are repealed.

NEW SECTION. Section 94. Effective dates. (1) [Sections 17, 37, 92, and this section] are effective on passage and approval.

(2) Except as provided in subsection (1), [this act] is effective July 1, 1995."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Adverse committee report adopted :

3/21/95

**HB 160**, introduced by Curtiss

**HB 273**, introduced by Grinde, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 3/21/95 to the House with the following vote:

YEAS - 14

NAYS - 36

House bill concurred in and returned to the House:

3/12/95

**HB 424**, introduced by Keenan

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/21/95

**HB 89**, introduced by Peck

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Please be informed that I have signed House Bill 63 sponsored by Representative Schwinden on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 142 sponsored by Representative Somerville on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 179 sponsored by Representative Feland on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 208 sponsored by Representative Cobb on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 282 sponsored by Representative Ewer on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 324 sponsored by Representative Simpkins on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 333 sponsored by Representative Kasten and Senator Lynch on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Please be informed that I have signed House Bill 334 sponsored by Representative Kasten and Senator Lynch on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 337 sponsored by Representative Cobb on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 455 sponsored by Representatives Bergman and Denny on March 21, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 21, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 502 sponsored by Representative Cocchiarella and Senator Sprague on March 21, 1995.

Sincerely,



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

MARC RACICOT  
Governor

The Honorable Bob Brown  
President of the Senate  
State Capitol  
Helena MT 59620

March 21, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Brown and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 136, "AN ACT REVISING THE METHODS OF CONTRACTING FOR COUNTY PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, 7-5-2412, AND 7-5-2413, MCA."

House Bill 136 amends the requirements for county printing contracts. It provides that county commissioners shall require a contractor to perform the county printing contract subject to the requirements of 18-2-201, MCA. Section 18-2-201, MCA, however, sets forth requirements that are intended for construction contracts and is not appropriate for printing contracts. The correct statutory reference is title 18, chapter 1, part 2, MCA.

Representative Ellis, the sponsor of House Bill 136, is in agreement that the bill be returned with an amendment that would correct this error.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL NO. 136

1. Page 4, line 2.  
Following: "OF"  
Strike: "18-2-201"  
Insert: "title 18, chapter 1, part 2"

SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

recommend as follows:

Representative Elliott present at this time.

**HB 460** - Representative Quilici moved HB 460 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: DeBruycker, Devaney, Fisher, Jore, Kasten, Keenan, McCann, Murdock, Rehbein, S. Smith, Wagner.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 390** - Representative Kadas moved HB 390 do pass. Motion carried as follows:

Ayes: Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 69

Noes: Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Curtiss, Devaney, Feland, Forbes, Grimes, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Murdock, Ohs, Rehbein, S. Smith, Soft, Somerville, Taylor, Vick, Wagner.  
Total 28

Excused: None.  
Total 0

Absent or not voting: Ahner, Molnar, L. Smith.  
Total 3

**HB 192** - Representative Harper moved HB 192 do pass. Motion failed as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 46

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, M. Hanson, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 222** - Representative Wyatt moved HB 222 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 50

Noes: Anderson, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Simpkins, Sliter, S. Smith, Somerville, Story, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: Feland, Mills.

Total 2

**HB 521** - Representative Ewer moved consideration of HB 521 be placed below HB 422 on the second reading board. Motion carried.

**HB 416** - Representative McKee moved HB 416 do pass.

Representative Boharski moved HB 416, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Ellis,



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Feland, Forbes, Fuchs, Green, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, McGee, Mills, Molnar, Murdock, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Taylor, Trexler, Wagner, Wells, Wiseman, Mr. Speaker.

Total 45

Noes: Barnett, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Grimes, Grinde, Hagener, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 54

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

Representative Grimes moved HB 416, second reading copy, be amended (amendment #2).

Representative Grimes withdrew Amendment #2.

The do pass motion of Representative McKee carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wyatt, Mr. Speaker.

Total 73

Noes: Bergman, Bergsagel, Boharski, Clark, Curtiss, DeBruycker, Feland, Green, M. Hanson, Holland, Jore, Kasten, Keenan, Kottel, McGee, Mills, Murdock, Rehbein, Sliter, S. Smith, Somerville, Taylor, Vick, Wagner, Wells, Zook.

Total 26

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 422** - Representative H. Hanson moved HB 422, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "~~ADMINISTRATION;~~"

Insert: "TRANSFERRING THE SUPERVISION OF SCHOOL FINANCIAL AND BUDGETING

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

ADMINISTRATION FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE  
DEPARTMENT OF ADMINISTRATION;"

2. Title, line 14.

Following: "~~2-7-514,~~"

Insert: "2-7-503, 2-7-514,"

3. Title, line 16.

Following: "~~17-7-301,~~"

Insert: "17-7-301,"

Following: "~~20-1-301,~~"

Insert: "20-1-301,"

4. Title, line 17.

Following: "~~20-3-324,~~"

Insert: "20-3-205, 20-3-209, 20-3-324,"

5. Title, line 18.

Following: "~~20-9-211,~~"

Insert: "20-9-102, 20-9-103, 20-9-121, 20-9-134, 20-9-163, 20-9-165, 20-9-166, 20-9-201, 20-9-202, 20-9-203, 20-9-211,"

Following: "~~20-9-213,~~"

Insert: "20-9-213,"

6. Title, line 20.

Following: "~~20-9-351,~~"

Insert: "20-9-351,"

7. Title, line 21.

Following: "~~23-7-202,~~"

Insert: "20-9-369, 20-9-501, 20-9-506, 20-9-805, 20-10-112, 20-10-143, 20-10-145, 23-7-202,"

8. Page 1, line 30.

Following: line 29

Insert: "STATEMENT OF INTENT

A statement of intent is necessary because this bill transfers the supervision of school financial and budgeting administration from the superintendent of public instruction to the department of administration, including rulemaking authority for school financial provisions in 20-9-102. It is the intent of the legislature that the department of administration adopt rules that are substantially similar to the existing rules for the financial accounting of school funds."

9. Page 3, line 28.

Following: line 27

Insert: "Section 10. Section 2-7-503, MCA, is amended to read:

"2-7-503. Financial reports and audits of local government entities. (1) The governing body or managing or executive officer of a local government entity, other than a school district or associated cooperative, shall ensure that a financial report is made ~~every~~ each year. A school district or associated cooperative shall comply with the provisions of 20-9-213. The financial report must cover the preceding fiscal year, be in a form prescribed by the department, and be completed within 4 months of the end of the reporting period. The local government entity shall

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

submit the financial report to the department for review.

(2) The department shall prescribe a uniform reporting system for all local government entities subject to financial reporting requirements, other than school districts. The ~~superintendent of public instruction~~ department of administration shall prescribe the reporting requirements for school districts.

(3) (a) The governing body or managing or executive officer of each local government entity receiving revenues or financial assistance in the period covered by the financial report in excess of \$200,000 or federal financial assistance in excess of \$25,000 shall cause an audit to be made at least every 2 years. The audit must cover the entity's preceding 2 fiscal years. The audit must commence within 9 months from the close of the last fiscal year of the audit period. The audit must be completed and submitted to the department for review within 1 year from the close of the last fiscal year covered by the audit.

(b) The governing body or managing or executive officer of a local government entity that does not meet the criteria established in subsection (3)(a) shall at least once every 4 years, if directed by the department, or, in the case of a school district, if directed by the department at the request of the ~~superintendent of public instruction~~ department of administration, cause a financial review, as defined by department rule, to be conducted of the financial statements of the entity for the preceding fiscal year.

(4) An audit conducted in accordance with this part is in lieu of any financial or financial and compliance audit of an individual financial assistance program that a local government is required to conduct under any other state or federal law or regulation. If an audit conducted pursuant to this part provides a state agency with the information that it requires to carry out its responsibilities under state or federal law or regulation, the state agency shall rely upon and use that information to plan and conduct its own audits or reviews in order to avoid a duplication of effort.

(5) In addition to the audits required by this section, the department may at any time conduct or contract for a special audit or review of the affairs of any local government entity referred to in this part. The special audit or review must, to the extent practicable, build upon audits performed pursuant to this part.

(6) The fee for the special audit or review must be a charge based upon the costs incurred by the department in relation to the special audit or review. The audit fee must be paid by the local government entity to the state treasurer and deposited in the enterprise fund to the credit of the department."

Section 11. Section 2-7-514, MCA, is amended to read:

"2-7-514. Filing of audit report and financial report. (1) Completed audit reports must be filed with the department. Completed financial reports must be filed with the department as provided in 2-7-503(1). The ~~state superintendent of public instruction~~ department of administration shall file with the department a list of school districts subject to audit under 2-7-503(3). The list must be filed with the department within 6 months after the close of the fiscal year.

(2) At the time that the financial report is filed or, in the case of a school district, when the audit report is filed with the department, the local government entity shall pay to the department a filing fee. The department shall charge a filing fee to any local government entity required to have an audit under 2-7-503, which fee must be based upon the costs incurred by the department in the administration of this part. Notwithstanding the provisions of 20-9-343, the filing fees for school districts required by this section must be paid by the ~~superintendent of public instruction~~ department of administration ~~from the state equalization aid account~~. The department shall adopt the fee schedule by rule based upon the local government entities' revenue amounts.

(3) Copies of the completed audit and financial reports must be made available by the department and the local government entity for public inspection during regular office hours.

(4) The department is authorized under this part to charge a surcharge on the filing fee to generate the necessary revenue to repay the general fund loan over a 5-year period. (Subsection (4) terminates June 30, 1997--sec. 31, Ch. 489, L. 1991.)""

Renumber: subsequent sections



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Following: line 14

Insert: "Section 18. Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures. (1) A state department, institution, or agency of the executive branch desiring authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium shall submit a proposed supplemental appropriation to the governor through the budget director. The proposal submitted to the governor must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the governor finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the department, institution, or agency during the year for which the appropriation was made, the governor shall, after careful study and examination of the request and upon review of the recommendation of the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the ~~superintendent of public instruction~~ department of administration, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium; or

(c) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice must provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the governor may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the governor shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The department, institution, or agency may expend the amount authorized by the governor only for the purposes specified in the authorization.

(5) The governor shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the governor and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan."

Renumber: subsequent sections

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

13. Page 18, line 27.

Following: line 26

Insert: "Section 20. Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. The school fiscal year ~~shall begin~~ begins on July 1 and ~~end ends~~ on June 30. At least 180 school days of pupil instruction ~~shall must~~ be conducted during each school fiscal year, except that 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313, or unless a variance for kindergarten has been granted under 20-1-302 or a district is granted a variance under the provisions of chapter 9, part 8, ~~of this title. For any~~ If an elementary or high school district ~~that~~ fails to provide for at least 180 school days of pupil instruction, the ~~superintendent of public instruction~~ department of administration shall reduce the county equalization, as defined in 20-9-334, and the state equalization, as defined in 20-9-343, for the district for that school year by 1/90th for each school day less than 180 school days."

Renumber: subsequent sections

14. Page 19, lines 3 and 4.

Following: "~~20-3-362;~~"

Strike: remainder of line 3 through "20-3-362;" on line 4

Renumber: subsequent subsections

15. Page 19, line 5.

Strike: "(2)"

Renumber: subsequent subsections

16. Page 19, line 27 through page 20, line 11.

Strike: subsections 8 through 12 in their entirety

Renumber: subsequent subsections

17. Page 20, lines 19 through 23.

Strike: subsections 14 and 15 in their entirety

Renumber: subsequent subsections

18. Page 21, line 30 through page 22, line 1.

Strike: line 30 on page 21 through "20-9-369;" on line 1, page 22

Renumber: subsequent subsection

19. Page 27, line 3.

Following: line 2

Insert: "Section 22. Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition and transportation obligation submitted in accordance with the provisions of 20-5-323 and 20-5-324;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

- (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;
- (7) keep a transcript and reconcile the district boundaries of the county in accordance with the provisions of 20-6-103;
- (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;
- (9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;
- (10) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;
- (11) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;
- (12) complete the budgets, compute the budgeted ~~revenues~~ revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school budgeting systems;
- (13) submit an annual financial report to the ~~superintendent of public instruction~~ department of administration in accordance with the provisions of 20-9-211;
- (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-334, 20-9-347, 20-10-145, or 20-10-146;
- (15) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(3);
- (16) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;
- (17) compute the ~~revenues~~ revenue and the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;
- (18) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;
- (19) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;
- (20) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;
- (21) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;
- (22) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;
- (23) administer the oath of office to trustees without the receipt of pay for administering the oath;
- (24) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;
- (25) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:
  - (a) the total of the cash balances of all funds maintained by the district at the beginning of the year;
  - (b) the total receipts that were realized in each fund maintained by the district;
  - (c) the total expenditures that were made from each fund maintained by the district; and
  - (d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year;

and



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(26) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed."

Section 23. Section 20-3-209, MCA, is amended to read:

"20-3-209. Annual report. The county superintendent of each county shall submit an annual report to the ~~superintendent of public instruction~~ department of administration not later than September 1. ~~Such~~ The report ~~shall~~ must be completed on the forms supplied by the ~~superintendent of public instruction~~ department of administration, which shall require the reporting of:

- (1) the final budget information for each district of the county, as prescribed by 20-9-134(1);
- (2) the financial activities of each district of the county for the immediately preceding school fiscal year as provided by the trustees' annual report to the county superintendent under the provisions of 20-9-213(5);
- (3) the pupil information for each district provided the county superintendent under the provisions of 20-4-301(1)(d) or 20-4-402(7); and
- (4) any other information that may be requested by the ~~superintendent of public instruction~~ which department of administration that is within ~~his~~ the authority prescribed by this title."

Section 24. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

- (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;
- (2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;
- (3) administer the attendance and tuition provisions and otherwise govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;
- (4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;
- (5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;
- (6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;
- (7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;
- (8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;
- (9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;
- (10) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;
- (11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;
- (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;
- (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, and interlocal

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

cooperative agreement fund in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110; and

(25) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, the rules of the department of administration, or the rules of the superintendent of public instruction."

Renumber: subsequent sections

20. Page 27, line 30.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION, WHO"

Insert: "department of administration, which"

21. Page 37, line 4.

Following: line 3

Insert: "Section 29. Section 20-9-102, MCA, is amended to read:

"20-9-102. General supervision of school budgeting system. The ~~superintendent of public instruction~~ department of administration has general supervision over the school budgeting procedure and provisions, as they relate to elementary and high school districts, prescribed by law and shall establish ~~such the~~ the rules ~~as are~~ necessary to secure compliance with the school budgeting laws."

Section 30. Section 20-9-103, MCA, is amended to read:

"20-9-103. School budget form. (1) The format of the school budget form ~~shall~~ must be prescribed by the ~~superintendent of public instruction~~ department of administration and ~~shall~~ must provide for proper school budgeting procedures in accordance with the budgeting requirements of this title and generally accepted accounting principles. The ~~superintendent of public instruction shall cause~~ department of administration shall print a sufficient number of the budget forms ~~to be printed~~ for use by all districts for each school fiscal year.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(2) ~~Each A~~ district shall use the budget forms prescribed by the ~~superintendent of public instruction department of administration~~, except that a district may in addition, with the approval of the ~~superintendent of public instruction department of administration~~, use a more detailed form."

Section 322. Section 20-9-121, MCA, is amended to read:

"20-9-121. County treasurer's statement of cash balances and bond information. (1) By July 10, the county treasurer shall prepare a statement for each district showing the amount of cash on hand for each fund maintained by the district and the amount of the outstanding obligations against each fund at the close of the ~~last completed~~ last-completed school fiscal year. The county treasurer shall also include on each district's statement the details on the obligation for bond retirement and interest for the school fiscal year just beginning. The format of the statement on fund cash balances and bond information ~~shall~~ must be prescribed by the ~~superintendent of public instruction department of administration~~.

(2) By July 10, the county treasurer shall prepare a statement for each county school fund supported by countywide levies, showing the amount of cash on hand at the beginning of the school fiscal year, the receipts and apportionments, and the amount of cash on hand at the end of the school fiscal year, for each county school fund maintained during the immediately preceding school fiscal year. The format of this statement ~~shall~~ must be prescribed by the ~~superintendent of public instruction department of administration~~.

(3) On or before July 10, the county treasurer shall deliver the statements of district and county fund cash balances and the bond information for each district to the county superintendent who shall attach ~~such~~ the district statements to the applicable district's preliminary budget."

Section 323. Section 20-9-134, MCA, is amended to read:

"20-9-134. Completion, filing, and delivery of final budgets. After the final budget of the elementary, high school, or community college district has been adopted by the trustees, the county superintendent shall complete all the remaining portions of the budget forms and shall:

(1) send the final budget information to the ~~superintendent of public instruction department of administration~~, on the forms provided by the ~~superintendent department~~, on or before September 1;

(2) in the case of the community college districts, send the final budget information to the board of regents, on the forms provided by the community college coordinator, on or before September 1; and

(3) deliver a copy of the final budget for the district to the county treasurer on or before September 1."

Section 324. Section 20-9-163, MCA, is amended to read:

"20-9-163. Resolution for budget amendment -- petition to ~~superintendent of public instruction department of administration~~. (1) Whenever the trustees of a district decide that a budget amendment is necessary because of an enrollment increase, they may petition the ~~superintendent of public instruction department of administration~~ to adopt a resolution for the budget amendment. The petition must be signed by a majority of the trustees.

(2) The petition must state the facts constituting the need for the budget amendment, the estimated amount of money required to fund the budget amendment, the funds affected by the budget amendment, the anticipated source of financing for the budget amendment, and the current year enrollment.

(3) The ~~superintendent of public instruction department of administration~~ shall promptly approve or disapprove the petition requesting approval to adopt a resolution for a budget amendment because of increased enrollment. If the petition is for a budget amendment for an enrollment increase as provided in 20-9-161(1), the ~~superintendent of public instruction department of administration~~ shall adjust the district's maximum general fund budget based on the approved enrollment increase. Upon approval, a district may not adopt a budget amendment if the amount will cause the district to exceed the district's adjusted maximum general fund budget. If the petition is approved, the trustees may adopt a resolution for a budget amendment and take all other steps required for the adoption of a budget amendment. Approval of a petition by the ~~superintendent of public instruction department of administration~~ authorizes the board of trustees to initiate a budget amendment by resolution and does not relieve the trustees of the necessity of complying with the requirements of the school budgeting laws. Approval of the petition



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

may not be construed as approval of any subsequent application for increased state aid on account of the budget amendment."

Section 325. Section 20-9-165, MCA, is amended to read:

"20-9-165. Budget amendment limitation, preparation, and adoption procedures. (1) The meeting of the trustees to consider and adopt a budget amendment must be open to the public, and any taxpayer in the district has the right to appear and be heard. If at the meeting a majority of the trustees present find that there is sufficient need for a budget amendment, the trustees may make and adopt a preliminary budget amendment, setting forth fully the facts constituting the need for the budget amendment. In adopting the preliminary budget amendment, the trustees may budget for any fund that was included on the final budget of the district for the current school fiscal year. The budget must be itemized to show the amount appropriated for each item.

(2) When the budget amendment is the result of increased enrollment, the maximum amount of the budget amendment for all funds must be determined in the following manner:

(a) Determine the total amount in the final budget for the current school fiscal year of all funds affected by the enrollment increase, less any amounts appropriated as capital outlay and any amount appropriated for addition to the operating reserve.

(b) Divide the amount determined in subsection (2)(a) by the number of pupils originally enrolled in the district during the immediately preceding school fiscal year. The resulting cost per pupil is the maximum permissible per-pupil expenditure in the budget amendment.

(c) Determine the enrollment increase of the current school fiscal year by subtracting the number of pupils originally enrolled during the immediately preceding school fiscal year from the number of pupils enrolled for the current school year. The result is the enrollment increase for the current school fiscal year.

(d) Multiply the cost per pupil determined in subsection (2)(b) by the enrollment increase determined in subsection (2)(c). The result is the maximum limitation on a budget amendment for amendments resulting from increased enrollment.

(3) For other types of budget amendments, the budget amendment is limited to the expenditures considered by the trustees to be reasonable and necessary to finance the conditions of the budget amendment and the preliminary budget amendment must include the details of the proposed expenditures.

(4) Whenever the trustees adopt a preliminary budget amendment for the transportation fund, the trustees shall attach to the budget amendment a copy of each transportation contract that is connected with the budget amendment and that has been prepared and executed in accordance with the school transportation contract laws.

(5) After the trustees have adopted the budget amendment by a majority vote of the trustees, it must be signed by the ~~chairman~~ presiding officer of the trustees and the clerk of the district and copies must be sent to the county superintendent, the county treasurer, and the ~~superintendent of public instruction~~ department of administration."

Section 326. Section 20-9-166, MCA, is amended to read:

"20-9-166. State financial aid for budget amendments. Whenever a final budget amendment has been adopted for the general fund or the transportation fund to finance the cost of an amendment resulting from increased enrollment, the trustees may apply to the ~~superintendent of public instruction~~ department of administration for an increased payment ~~from the state public school equalization aid account~~ for the BASE funding program or for state transportation reimbursement, or both. The ~~superintendent of public instruction~~ department of administration shall adopt rules for the application. The ~~superintendent of public instruction~~ department of administration shall approve or disapprove each application for increased state aid made in accordance with 20-9-314 and this section. When the ~~superintendent of public instruction~~ department of administration approves an application, the ~~superintendent of public instruction~~ department of administration shall determine the additional amount of state aid ~~from the state public school equalization aid account or the state transportation reimbursement~~ that will be made available to the applicant district because of the increase in enrollment. The ~~superintendent of public instruction~~ department of administration shall notify the applicant district of the ~~superintendent's~~ department's approval or disapproval and, in the event of

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

approval, the amount of additional state aid that will be made available for the general fund or the transportation fund. The superintendent of public instruction department of administration shall disburse the state aid to the eligible district at the time that the next regular state aid payment is made."

Section 327. Section 20-9-201, MCA, is amended to read:

"20-9-201. Definitions and application. (1) As used in this title, unless the context clearly indicates otherwise, "fund" means a separate detailed account of receipts and expenditures for a specific purpose as authorized by law or by the superintendent of public instruction department of administration under the provisions of subsection (2). Funds are classified as follows:

(a) A "budgeted fund" means any fund for which a budget must be adopted in order to expend money from the fund. The general fund, transportation fund, bus depreciation reserve fund, tuition fund, retirement fund, debt service fund, building reserve fund, adult education fund, nonoperating fund, and any other funds designated by the legislature are budgeted funds.

(b) A "nonbudgeted fund" means any fund for which a budget is not required in order to expend money on deposit in the fund. The school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, interlocal cooperative fund, internal service fund, impact aid fund, enterprise fund, agency fund, extracurricular fund, metal mines tax reserve fund, endowment fund, and any other funds designated by the legislature are nonbudgeted funds.

(2) The school financial administration provisions of this title apply to all money of any elementary or high school district. Elementary and high school districts shall record the receipt and disbursement of all money in accordance with generally accepted accounting principles. The superintendent of public instruction department of administration has general supervisory authority as prescribed by law over the school financial administration provisions, as they relate to elementary and high school districts. The superintendent of public instruction department of administration shall adopt rules necessary to secure compliance with the law.

(3) Except as otherwise provided by law, whenever the trustees of a district determine that a fund is inactive and will no longer be used, the trustees shall close the fund by transferring all cash and other account balances to the general fund if the fund does not have a cash or fund balance deficit."

Section 328. Section 20-9-202, MCA, is amended to read:

"20-9-202. County officials for financial administration when joint district. (1) When all of the schools of the joint district are located in one county, the school financial administration duties assigned to county officials ~~shall must~~ be performed by those officials of the county ~~wherein where~~ the schools of the district are located. When the schools of a joint district are located in more than one county, the superintendent of public instruction shall designate the county officials to perform ~~such the~~ duties for the joint district.

(2) The designated county treasurer ~~shall be is~~ the custodian of all joint district ~~moneys revenue~~ and shall perform all other duties of the county treasurer for the joint district. The superintendent of public instruction department of administration shall disburse all ~~moneys revenue~~ for a joint district to ~~such the~~ county treasurer."

Section 329. Section 20-9-203, MCA, is amended to read:

"20-9-203. Examination of district accounting records. The accounting records of all first-, second-, and third-class school districts must be audited in accordance with 2-7-503. The trustees of the district shall file a copy of the completed audit report with the department of commerce, the superintendent of public instruction, the department of administration, and the county superintendent."

Section 330. Section 20-9-211, MCA, is amended to read:

"20-9-211. Annual financial report of county superintendent. No later than the second Monday in September of each school fiscal year, the county superintendent shall report to the superintendent of public instruction department of administration the financial activity during the preceding school fiscal year of each district of the county in accordance with the reporting requirements prescribed by the superintendent of public instruction



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

department. The reports must be prepared on forms provided by the ~~superintendent of public instruction department of administration~~. "

Renumber: subsequent sections

31. Page 37, lines 10, 22, and 26.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION" in all three places

Insert: "department of administration" in all three places

32. Page 40, line 8.

Following: line 7

Insert: "Section 41. Section 20-9-213, MCA, is amended to read:

"20-9-213. Duties of trustees. The trustees of ~~each a~~ district have the sole power and authority to transact all fiscal business and execute all contracts in the name of the district. A person other than the trustees acting as a governing board may not expend money of the district. In conducting the fiscal business of the district, the trustees shall:

(1) cause the keeping of an accurate, detailed accounting of all receipts and expenditures of school money for each fund maintained by the district in accordance with generally accepted accounting principles and the rules prescribed by the ~~superintendent of public instruction department of administration~~. The record of the accounting must be open to public inspection at any meeting of the trustees.

(2) authorize all expenditures of district money and cause warrants to be issued for the payment of lawful obligations;

(3) issue warrants on any budgeted fund in anticipation of budgeted revenue, except that the expenditures may not exceed the amount budgeted for the fund;

(4) invest any money of the district, whenever in the judgment of the trustees the investment would be advantageous to the district, by directing the county treasurer to invest any money of the district in direct obligations of the United States government; in savings or time deposits in a state or national bank, building or loan association, savings and loan association, or credit union insured by the FDIC or NCUA located in the state; or in a repurchase agreement, as authorized in 7-6-213. All interest collected on the deposits or investments must be credited to the fund from which the money was withdrawn, except that interest earned on account of the investment of money realized from the sale of bonds must be credited to the debt service fund or the building fund, at the discretion of the board of trustees. The placement of the investment by the county treasurer is not subject to ratable distribution laws and must be done in accordance with the directive from the board of trustees. A district may invest money under the state unified investment program established in Title 17, chapter 6.

(5) cause the district to record each transaction in the appropriate account before the accounts are closed at the end of the fiscal year in order to properly report the receipt, use, and disposition of all money and property for which the district is accountable;

(6) report annually to the county superintendent, not later than August 15, the financial activities of each fund maintained by the district during the ~~last-completed last-completed~~ school fiscal year, on the forms prescribed and furnished by the ~~superintendent of public instruction department of administration~~. Annual fiscal reports for joint school districts must be submitted not later than September 1 to the county superintendent of each county in which part of the joint district is situated.

(7) whenever requested, report any other fiscal activities to the county superintendent, superintendent of public instruction, the department of administration, or board of public education;

(8) cause the accounting records of the district to be audited as required by 2-7-503; and

(9) perform, in the manner permitted by law, other fiscal duties that are in the best interests of the district. "

Renumber: subsequent sections

33. Page 47, line 2.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

34. Page 48, lines 8 and 9.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

35. Page 49, lines 12 and 13, 15, 20, and 30.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

36. Page 50, lines 1 and 2, 9, 21, 22 and 23, and 27.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

37. Page 52, lines 2, 10 and 11, 15 and 16, 19 and 20, and 21 and 22.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

38. Page 53, line 4.

Following: line 3

Insert: "Section 54. Section 20-9-351, MCA, is amended to read:

"20-9-351. Funding of deficiency in BASE aid. If the money available for BASE aid is not the result of a reduction in spending under 17-7-140 and is not sufficient to provide the guaranteed tax base aid required under 20-9-366 through 20-9-369 and BASE aid support determined under 20-9-347, the ~~superintendent of public instruction~~ department of administration shall request the budget director to submit a request for a supplemental appropriation in the second year of the biennium that is sufficient to complete the funding of BASE aid for the elementary and high school districts for the current biennium."

Renumber: subsequent sections

39. Page 53, lines 27 and 28.

Strike: "SUPERINTENDENT OF PUBLIC INSTRUCTION"

Insert: "department of administration"

40. Page 62, line 4.

Following: line 3

Insert: "Section 57. Section 20-9-369, MCA, is amended to read:

"20-9-369. Duties of ~~superintendent of public instruction~~ department of administration and department of revenue. (1) The ~~superintendent of public instruction~~ department of administration shall administer the distribution of guaranteed tax base aid by:

(a) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide and district guaranteed tax base ratios and, by May 1 of each year, with the final statewide and district guaranteed tax base ratios, for use in calculating the guaranteed tax base aid available for the ensuing school fiscal year;

(b) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide, county, and district mill values per ANB and, by May 1 of each year, with the final statewide, county, and district mill values per ANB, for use in calculating the guaranteed tax base aid available to counties and districts for the ensuing school fiscal year;

(c) requiring each county and district that qualifies and applies for guaranteed tax base aid to report to the

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

county superintendent all budget and accounting information required to administer the guaranteed tax base aid;

(d) keeping a record of the complete data concerning appropriations available for guaranteed tax base aid and the entitlements for the aid of the counties and districts that qualify;

(e) distributing the guaranteed tax base aid entitlement to each qualified county or district from the appropriations for that purpose.

(2) The ~~superintendent~~ department of administration shall adopt rules necessary to implement 20-9-366 through 20-9-369.

(3) The department of revenue shall provide the ~~superintendent of public instruction~~ department of administration by December 1 of each year a final determination of the taxable value of property within each school district and county of the state reported to the department of revenue based on information delivered to the county clerk and recorder as required in 15-10-305.

(4) For the purposes of implementing 20-9-366 through 20-9-368 and this section ~~for the school fiscal year beginning July 1, 1993, the superintendent of public instruction shall estimate the direct state aid for a district for the school fiscal year beginning July 1, 1993, in order to calculate the district and statewide guaranteed tax base ratios for that school fiscal year. For succeeding school fiscal years, the superintendent of public instruction~~ department of administration shall calculate the district and statewide guaranteed tax base ratios by applying the prior year's direct state aid payment."

Section 58. Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement fund. (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the preliminary budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year, including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204;

(ii) net proceeds taxes and local government severance taxes on any other oil and gas production occurring after December 31, 1988;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget; and

(v) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151 and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction department of administration; and

(b) the taxable valuation of the district divided by 1,000."

Section 59. Section 20-9-506, MCA, is amended to read:

"20-9-506. Budgeting and net levy requirement for nonoperating fund. (1) The trustees of ~~any a~~ district ~~which that~~ does not operate a school or will not operate a school during the ensuing school fiscal year shall adopt a nonoperating school district budget in accordance with the school budgeting provisions of this title. ~~Such The~~ nonoperating budget ~~shall must~~ contain the nonoperating fund and, when appropriate, a debt service fund. The nonoperating budget form ~~shall must~~ be promulgated and distributed by the superintendent of public instruction department of administration under the provisions of 20-9-103.

(2) After the adoption of a final budget for the nonoperating fund, the county superintendent shall compute the net levy requirement for ~~such the~~ fund by subtracting from the amount authorized by ~~such the~~ budget the sum of:

(a) the end-of-the-year cash balance of the nonoperating fund or, if it is the first year of nonoperation, the cash balance determined under the transfer provisions of 20-9-505;

(b) the estimated state and county transportation reimbursements; and

(c) any other ~~moneys~~ money that may become available during the ensuing school fiscal year.

(3) The county superintendent shall report the net nonoperating fund levy requirement and any net debt service fund levy requirement determined under the provisions of 20-9-439 to the county commissioners on the fourth Monday of August, and ~~such the~~ levies ~~shall must~~ be made on the district by the county commissioners in accordance with 20-9-142."

Section 60. Section 20-9-805, MCA, is amended to read:

"20-9-805. Rate of reduction in annual apportionment entitlement. (1) For each school day short of the



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

minimum number of school days required by law that a school district fails to conduct by reason of one or more unforeseen emergencies as defined in 20-9-802, the ~~superintendent of public instruction~~ department of administration shall reduce the equalization apportionment and entitlement of the district for that school year by 1/180th.

(2) Kindergarten and grade 1 through 12 programs ~~shall~~ must be considered separately for the purpose of computing compliance with minimum school day requirements and any loss of apportionment."

Section 641. Section 20-10-112, MCA, is amended to read:

"20-10-112. Duties of the superintendent of public instruction. In order to have a uniform and equal provision of transportation by all districts in the state of Montana, the superintendent of public instruction shall:

(1) prescribe rules and forms for the implementation and administration of the transportation policies adopted by the board of public education;

(2) prescribe rules for the approval of school bus routing by the county transportation committee;

(3) prescribe the format of the contract for individual transportation and supply each county superintendent with a sufficient number of such contracts;

(4) prescribe rules for the approval of individual transportation contracts, including the increases of the schedule rates due to isolation under the policy of the board of public education, and provide a degree-of-isolation chart to school district trustees to serve as a guide;

(5) approve, disapprove, or adjust all school bus routing submitted by the county superintendent;

(6) approve, disapprove, or adjust all individual transportation contracts submitted by the county superintendent; and

(7) prescribe rules for the consideration of controversies appealed to ~~him~~ the superintendent and rule on ~~such the~~ controversies; and

~~(8) disburse the state transportation reimbursement in accordance with the provisions of law and the transportation policies of the board of public education."~~

Section 642. Section 20-10-143, MCA, is amended to read:

"20-10-143. Budgeting for transportation and transmittal of transportation contracts. (1) The trustees of a district furnishing transportation to pupils who are residents of the district shall provide a transportation fund budget that is adequate to finance the district's transportation contractual obligations and any other transportation expenditures necessary for the conduct of its transportation program. The transportation fund budget must include:

(a) an adequate amount to finance the maintenance and operation of district owned and operated school buses;

(b) the annual contracted amount for the maintenance and operation of school buses by a private party;

(c) the annual contracted amount for individual transportation, including any increased amount because of isolation, which may not exceed the schedule amounts prescribed in 20-10-142;

(d) any amount necessary for the purchase, rental, or insurance of school buses; and

(e) any other amount necessary to finance the administration, operation, or maintenance of the transportation program of the district, as determined by the trustees.

(2) The trustees may include a contingency amount in the transportation fund budget for the purpose of enabling the district to fulfill an obligation to provide transportation in accordance with this title for:

(a) pupils not residing in the district at the time of the adoption of the preliminary budget and who subsequently became residents of the district during the school fiscal year; or

(b) pupils who have become eligible transportees since the adoption of the preliminary budget because their legal residence has been changed. The budgeted contingency amount may not exceed 10% of the transportation schedule amount as calculated under the provisions of 20-10-141 and 20-10-142 for all transportation services authorized by the schedules and provided by the district unless 10% of the transportation schedule amount is less than \$100, in which case \$100 is the maximum limitation for the budgeted contingency amount.

(3) A budget amendment to the transportation fund budget may be adopted subject to the provisions of 20-9-161 through 20-9-166.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(4) The transportation fund budgeted expenditures appropriated by the trustees must be reported on the regular budget form prescribed by the ~~superintendent of public instruction~~ department of administration in accordance with 20-9-103, and the adoption of the transportation fund budget must be completed in accordance with the school budgeting laws. When the adopted preliminary budget is sent to the county superintendent, the trustees shall also send copies of all completed transportation contracts for school bus transportation and individual transportation to the county superintendent. The contracts must substantiate all contracted transportation services incorporated in the preliminary budget, and after the county superintendent has utilized the contracts for that purpose but before the fourth Monday of July, ~~he~~ the county superintendent shall send all transportation contracts received to the superintendent of public instruction. When the county superintendent determines a deviation between the preliminary transportation fund budget amount for contracted transportation services and the contracted amount for the services, ~~he~~ the county superintendent shall immediately call the deviation to the attention of the appropriate trustees and shall allow the trustees to change the preliminary budgeted amount to compensate for the deviation."

Section 643. Section 20-10-145, MCA, is amended to read:

"20-10-145. State transportation reimbursement. (1) A district providing school bus transportation or individual transportation in accordance with this title, board of public education transportation policy, and superintendent of public instruction and department of administration transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is one-half of the reimbursement amounts established in 20-10-141 and 20-10-142 or one-half of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered, not to exceed 180 pupil-instruction days. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the ~~superintendent of public instruction~~ department of administration. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the ~~superintendent of public instruction~~ department of administration. The ~~superintendent of public instruction~~ department of administration shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction and the department of administration. After making any necessary adjustments to the claims, the ~~superintendent of public instruction~~ department of administration shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement. The payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the ~~superintendent of public instruction~~ department of administration."

Section 644. Section 23-7-202, MCA, is amended to read:

"23-7-202. Powers and duties of commission. The commission shall:

- (1) establish and operate a state lottery and may not become involved in any other gambling or gaming;
- (2) determine policies for the operation of the state lottery, supervise the director and ~~his~~ the staff, and meet with the director at least once every 3 months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the state lottery, and transact other necessary business;
- (3) maximize the net revenue paid ~~to the superintendent of public instruction and to the board of crime control under 23-7-402~~ and ensure that all policies and rules adopted further revenue maximization;
- (4) subject to 23-7-402(1), determine the percentage of the money paid for tickets or chances to be paid out as prizes;
- (5) determine the price of each ticket or chance and the number and size of prizes;



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

- (6) provide for the conduct of drawings of winners of lottery games;
- (7) carry out, with the director, a continuing study of the state lotteries of Montana and other states to make the state lottery more efficient, profitable, and secure from violations of the law;
- (8) study and may enter into agreements with other lottery states to offer lottery games;
- (9) prepare quarterly and annual reports on all aspects of the operation of the state lottery, including but not limited to types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to this part, and deliver a copy of each report to the governor, the department of administration, the legislative auditor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house; and
- (10) adopt rules relating to lottery staff sales incentives or bonuses and sales agents' commissions and any other rules necessary to carry out this part."

Renumber: subsequent sections

45. Page 66, line 2.

Following: line 1

Insert: "NEW SECTION. Section 746. School finance duties of the department of administration. The department of administration shall:

- (1) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;
- (2) establish a system of communication for calculating joint district revenue in accordance with the provisions of 20-9-151;
- (3) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;
- (4) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);
- (5) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county superintendents to report to the department of administration in accordance with the provisions of 20-3-209;
- (6) distribute BASE aid and special education allowable cost payments in support of the BASE funding program, in accordance with the provisions of 20-9-331, 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;
- (7) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;
- (8) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369;
- (9) disburse the state transportation reimbursement in accordance with the provisions of law, the transportation policies of the board of public education, and the transportation rules of the superintendent of public instruction; and
- (10) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362."

Renumber: subsequent sections

47. Page 66, line 7.

Following: line 6

Insert: "NEW SECTION. Section 73. Codification instruction. [Section 71] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20 apply to [section 71]."

Renumber: subsequent sections



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.  
Total 50

Noes: Barnett, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Taylor, Tropila, Tuss, Wagner, Wennemar, Wyatt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Green.  
Total 1

Representative H. Hanson moved HB 422, second reading copy, be further amended as follows (amendment #2):

1. Page 66, line 11.

Following: line 10

Insert: "NEW SECTION. Section 45. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Quilici, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Barnhart, Bohlinger, Carey, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCulloch, Menahan, Orr, Pavlovich, Peck, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wagner, Wennemar, Wyatt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Total 0

Representative H. Hanson moved HB 422, second reading copy, be further amended as follows (amendment #3):

1. Title, line 14

Following: "~~2-7-514,~~"

Insert: "2-7-505, 2-7-514,"

2. Page 3, line 28.

Following: line 27

Insert: "Section 3. Section 2-7-505, MCA, is amended to read:

"2-7-505. Audit scope and standards. (1) Each audit must be a comprehensive audit of the affairs of the local government entity and must be made in accordance with auditing standards and in accordance with federal regulations adopted by the department by rule.

(2) The department, with cooperation from state agencies, shall prepare a local government compliance supplement that contains state and federal regulations applicable to local government entities.

(3) The compliance supplement for all county audits must require the auditor to review county distributions, including nonlevy revenue and interest distributions, to the following levies in support of public school districts:

(a) the county equalization levy;

(b) the state equalization levy;

(c) the county tax levy in support of transportation schedules; and

(d) the county tax levy in support of district retirement obligations."

Section 2. Section 2-7-514, MCA, is amended to read:

"2-7-514. Filing of audit report and financial report. (1) Completed audit reports must be filed with the department. Completed financial reports must be filed with the department as provided in 2-7-503(1). The state superintendent of public instruction shall file with the department a list of school districts subject to audit under 2-7-503(3). The list must be filed with the department within 6 months after the close of the fiscal year.

(2) At the time the financial report is filed or, in the case of a school district, when the audit report is filed with the department, the local government entity shall pay to the department a filing fee. The department shall charge a filing fee to any local government entity required to have an audit under 2-7-503, which fee must be based upon the costs incurred by the department in the administration of this part. Notwithstanding the provisions of 20-9-343, the filing fees for school districts required by this section must be paid by the superintendent of public instruction from the state equalization aid account. The department shall adopt the fee schedule by rule based upon the local government entities' revenue amounts.

(3) Copies of the completed audit and financial reports must be made available by the department and the local government entity for public inspection during regular office hours. The department shall provide a copy of each county audit report to the superintendent of public instruction.

(4) The department is authorized under this part to charge a surcharge on the filing fee to generate the necessary revenue to repay the general fund loan over a 5-year period. (Subsection (4) terminates June 30, 1997--sec. 31, Ch. 489, L. 1991.) ""

Renumber: subsequent sections

4. Page 38, line 19.

Following: "from"

Insert: "the state equalization aid levy authorized under 20-9-360,"

5. Page 38, line 23.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Following: "must be"

Insert: "distributed on an average daily cash basis and must be"

6. Page 38, line 25.

Following: "in"

Insert: "20-9-360 and"

Following: "(1)(c)"

Insert: "of this section"

7. Page 66, line 2.

Following: line 1

Insert: "NEW SECTION. Section 45. Resolution of audit findings. (1) Whenever a county audit report discloses a lack of compliance with state statutes, rules, or regulations governing the distribution of revenue to state and county levies in support of public school districts, the superintendent of public instruction shall, in cooperation with the county, resolve the audit finding. If the county fails to make a payment due the state, the superintendent of public instruction shall issue an order to the department of revenue to suspend all state payments to the county until the audit findings and payment are satisfactorily resolved.

(2) Upon receipt of an order by the superintendent of public instruction under subsection (1), the department of revenue shall suspend all state payments to the county until the audit finding is resolved. If the audit finding remains unresolved after 60 days from the original notice to the department of revenue, the department of revenue shall assess interest consistent with the interest charged in 15-16-101 and offset the principal and interest due the state against amounts due the county before resuming state distributions to the county. The amount to be offset must be deposited by the department of revenue in the state general fund."

8. Page 66, line 7.

Following: line 6

Insert: "NEW SECTION. Section 47. Codification instruction. [Section 45] is intended to be codified as an integral part of Title 2, chapter 7, part 5, and the provisions of Title 2, chapter 7, part 5, apply to [section 45]."

Renumber: subsequent sections

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Carey, Curtiss, Ellingson, Elliott, Galvin, Harrington, Heavy Runner, J. Johnson, Orr, Schwinden, Shea, Tuss, Wennemar, Wyatt.

Total 14

Excused: None.

Total 0



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Absent or not voting: Denny, Hibbard, McKee.

Total 3

Representative H. Hanson moved HB 422, as amended, do pass.

Representative Elliott made a substitute motion that HB 422, as amended, do not pass. Motion failed as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tash, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 49

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, R. Johnson, Kasten, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Nelson, Rehbein, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Trexler, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: Holland, Jore.

Total 2

The do pass, as amended, motion of Representative H. Hanson failed as follows:

Ayes: Ahner, Anderson, Arnott, Bergman, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Rehbein, Rose, Simon, Simpkins, Soft, Story, Stovall, Taylor, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 44

Noes: Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Orr, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Sliter, L. Smith, Somerville, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wennemar, Wyatt.

Total 54

Excused: None.

Total 0

Absent or not voting: Pavlovich, S. Smith.

Total 2

**HB 521** - Representative Wagner moved HB 521 do pass.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Representative Ewer moved HB 521, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Grimes, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Peck, Raney, Ream, Ryan, Schwinden, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 32

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 66

Excused: None.  
Total 0

Absent or not voting: Brainard, Cobb.  
Total 2

Representative Ellingson moved HB 521, second reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Ohs, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Story, Swanson, Trexler, Tropila, Vick, Wennemar, Wyatt.  
Total 39

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Tash, Taylor, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 59

Excused: None.  
Total 0

Absent or not voting: Feland, Tuss.  
Total 2

The do pass motion of Representative Wagner carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook.  
Total 65

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, McCann, McCulloch, Menahan, Peck, Raney, Ream, Ryan, Schwinden, L. Smith, S. Smith, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 514** - Representative DeBruycker moved HB 514 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: H.S. Hanson, McGee.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 552** - Representative Quilici moved HB 552 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Forbes.  
Total 1

**HB 573** - Representative Cobb moved HB 573 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 84

Noes: Bergsagel, Cocchiarella, DeBruycker, Ellingson, Ewer, Hagener, Harper, Hurdle, Larson, Pavlovich, Peck, Raney, Rehbein, S. Smith, Wyatt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

**HB 577** - Representative Kadas moved HB 577 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Absent or not voting: Keenan.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Fuchs moved that the Committee of the Whole report be adopted. Report adopted. (80-12)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Cobb, DeBruycker, Herron, Jore, Kasten, Keenan, Peck, Rehbein, Sliter, S. Smith, Somerville.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 595** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Denny, Hurdle, R. Johnson, Jore, Kasten, Keenan, Rehbein, S. Smith.

Total 9

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Excused: None.  
Total 0

Absent or not voting: Feland, Grady.  
Total 2

**HB 8** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: DeBruycker, Feland, Jore, Kasten, Rehbein, S. Smith.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Devaney, Murdock.  
Total 2

**HB 18** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, Cobb, DeBruycker, Denny, Jore, Peck, Rehbein, S. Smith, Vick, Wagner.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

**HB 3** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Cobb, DeBruycker, Denny, Jore, Keenan, Rehbein, S. Smith.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 513** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 531** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Keenan.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 512** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Vick.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 395** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Noes: Fisher, McGee, Murdock.

Total 3

Excused: None.

Total 0

Absent or not voting: Anderson, Grady.

Total 2

**HB 484** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Carey, Ellingson, Elliott, Galvin, Harper, Hurdle, Jore, Kadas, Kottel, Ream, Tropila, Tuss, Vick.

Total 13

Excused: None.

Total 0

Absent or not voting: Wyatt.

Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

3/22/95

Correctly printed for second reading: HB 189, HB 365, HB 378, HB 540, HB 544, HB 590, HB 598, HB 599, HB 601, HB 602, HB 603, HB 605.

Signed by the Speaker at 1:04 p.m., 3/22/95: HB 424.

**APPROPRIATIONS** (Zook, Chairman):

3/22/95

**HB 378**, introduced bill, do pass. Report adopted.

**HB 540**, introduced bill, be amended as follows:

1. Title, line 5.

Following: line 4

Insert: "AND"

Strike: "7-32-2244,"

Following: "~~39-71-774,~~"

Strike: remainder of line 5 in its entirety



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

2. Title, line 6.

Strike: "41-5-103," through "41-5-301,"

3. Title, line 7.

Strike: "41-5-305,"

Strike: "41-5-307, 41-5-313, 41-5-401,"

Strike: "41-5-521,"

Strike: "41-5-523,"

4. Title, line 8.

Strike: "41-5-526," through "41-5-601,"

Strike: "41-5-703,"

Strike: "41-5-810,"

Insert: "AND"

5. Title, lines 9 and 10

Strike: line 9 through "41-5-809," on line 10

6. Page 1, lines 14 through 16.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 6, line 1 through page 10, line 13.

Strike: sections 2 through 4 in their entirety

Renumber: subsequent sections

8. Page 10, line 20.

Strike: "or force the child to take prescribed"

Following: "medicine"

Insert: "prescribed for the child"

9. Page 11, lines 15 through 17.

Following: "include" on line 15

Strike: remainder of line 15 through "as" on line 16

Following: the first "defense"

Strike: "or"

Insert: ", "

Following: "others,"

Insert: "or"

Following: "harm" on line 16

Strike: remainder of line 16 through "actions" on line 17

Insert: "that does not constitute harm to a child's health or welfare"

10. Page 12, line 2.

Following: "~~shelter,~~"

Insert: "shelter,"

11. Page 14, line 6 through page 23, line 3.

Strike: sections 8 through 13 in their entirety

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Renumber: subsequent sections

12. Page 23, line 19 through page 24, line 14.

Strike: section 15 in its entirety

Renumber: subsequent sections

13. Page 24, line 21.

Following: "~~or~~"

Insert: "or"

14. Page 24, lines 23 and 24.

Strike: "; OR" through "FACILITY" on line 24

15. Page 24, line 26.

Strike: ", must be segregated from juvenile offenders,"

16. Page 25, line 6 through page 27, line 4.

Strike: sections 17 through 19 in their entirety

Renumber: subsequent sections

17. Page 27, line 20.

Following: "~~guardian~~"

Insert: "the parents, legal guardian, or"

18. Page 29, line 15.

Following: "(4)"

Insert: "upon a finding of an offense related to use of alcohol or illegal drugs,"

19. Page 29, line 18 through page 30, line 15.

Strike: section 22 in its entirety

Renumber: subsequent sections

20. Page 31, line 15.

Following: "~~guardian~~"

Insert: "the parents, legal guardian, or"

21. Page 31, line 21 through page 39, line 28.

Strike: sections 24 through 29 in their entirety

Renumber: subsequent sections

22. Page 40, line 4.

Strike: "must"

Insert: "may"

23. Page 40, lines 17 through 28.

Strike: section 31 in its entirety

Renumber: subsequent sections

24. Page 41, line 3.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Following: "provide"  
Strike: "shelter care"  
Insert: "an appropriately physically restricting setting"

25. Page 41, line 13 through page 42, line 1.  
Strike: section 33 in its entirety  
Renumber: subsequent sections

26. Page 42, line 27 through page 47, line 23.  
Strike: sections 35 through 41 in their entirety

And, as amended, do pass. Report adopted.

**HB 605**, introduced bill, be amended as follows:

1. Page 3, line 4.  
Following: "point"  
Insert: "that may be"

2. Page 4, line 4.  
Strike: "a"  
Insert: "the"  
Following: "county"  
Insert: "where the facility or graveyard is located"

3. Page 4, line 5.  
Following: "county."  
Insert: "A county may establish the fee for licensure."

4. Page 6, line 1.  
Strike: "Each"  
Insert: "A"  
Strike: "shall"  
Insert: "may"  
Strike: "free"

5. Page 8, line 3.  
Insert: "

NEW SECTION. Section 14. Fund transfer. Any money remaining in the state special revenue account on [the effective date of this act] that is to be used pursuant to 75-10-532 is transferred to the general fund.

NEW SECTION. Section 15. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."  
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

3/21/95



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

**SB 251**, be concurred in. Report adopted.

**SB 295**, be concurred in. Report adopted.

**SB 321**, be amended as follows:

1. Page 2, line 23.  
Following: "propelling"  
Insert: "registered"

And, as amended, be concurred in. Report adopted.

**SB 361**, be amended as follows:

1. Title, line 5.  
Following: "TRANSPORTATION;"  
Insert: "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE PART OF THE FEDERAL GRANT MONEY FOR MOTORCYCLE SAFETY TRAINING;"

2. Page 2, line 18.  
Strike: "and"

3. Page 2, line 20.  
Following: "·;"  
Insert: "; and

(d) first allocate a portion of federal grant money for safety programs for federally recognized priority areas, such as motorcycle safety training through the Montana motorcycle safety education program, unless there is no demonstrated need"

And, as amended, be concurred in. Report adopted.

**SB 378**, be amended as follows:

1. Page 6, line 25.  
Following: "incinerator."  
Insert: "or"

2. Page 6, lines 26 and 27.  
Following: "well" on line 26  
Strike: the remainder of line 26 through "surface" on line 27  
Following: "·" on line 27  
Insert: "The term does not include wastewater and waste tires."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):  
**SB 244**, be concurred in. Report adopted.

3/22/95

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

JUDICIARY (Clark, Chairman):

3/22/95

SB 174, be concurred in. Report adopted.

SB 292, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/22/95

SB 331, be amended as follows:

1. Page 4, line 14.

Following: "life."

Insert: "(1)"

2. Page 4, line 15.

Following: "chapter"

Insert: "and except as provided in subsection (2)"

3. Page 4.

Following: line 20

Insert: "(2) If the department, based upon its review of an application submitted under subsection (1) and sound scientific, technical, and available site-specific evidence, determines that the development of site-specific criteria in accordance with draft or final federal regulations, guidelines, or criteria would not be protective of beneficial uses, the department, within 90 days of the submission of an application under subsection (1), shall notify the applicant in writing of its determination and of all additional procedures that the applicant is required to comply with in the development of site-specific standards of water quality under this section. If there is a dispute between the department and the applicant as to the additional procedures, the board shall, on the request of the department or the applicant, hear and determine the dispute. The board's decision must be based on sound scientific, technical, and available site-specific evidence."

4. Page 4, line 30.

Strike: "IF" through "USE"

5. Page 7, line 6.

Strike: "privately owned"

6. Page 7, lines 25 through 28.

Strike: "The" on line 25 through "AGENCY." on line 28

Insert: "When the department's review of a permit application submitted under another chapter or title is required or requested, the department shall coordinate the review under this chapter with the review conducted by the agency or unit under the other chapter, following the time schedule for that review."

7. Page 8, line 25.

Following: "(2)"

Insert: "(a)"

8. Page 8, line 28.

Following: "PREVENTION."

Insert: "(b)"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

9. Page 8, line 30.

Strike: "(A)"

Insert: "(i)"

Strike: "MEASURING"

Strike: "IN SURFACE WATER"

10. Page 9, line 3.

Strike: "1"

Insert: ". However, if a standard established at a risk level of  $1 \times 10^{-3}$  for arsenic or  $1 \times 10^{-5}$  for other carcinogens violates the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen."

11. Page 9, lines 4 through 6.

Strike: "(B)" on line 4 through "(C)" on line 6

Insert: "(ii)"

12. Page 9, lines 6 through 9.

Strike: "1" on line 6 through "ACTI;" on line 9

Insert: ". "

13. Page 10, line 7.

Strike: "TO"

Insert: "of nitrate in"

Strike: "QUALITY"

14. Page 13.

Following: line 2

Insert: "(i) the discharge does not contain industrial waste, sewage, or other wastes;"

Renumber: subsequent subsections

15. Page 13, line 4.

Strike: "OR"

Insert: "and"

16. Page 13, line 8.

Strike: "may"

Insert: "must"

17. Page 17, line 29.

Strike: "AND" through "CONSIDER"

18. Page, 19

Following: line 13

Insert: "NEW SECTION. Section 17. Coordination instruction. If Senate Bill No. 330 is passed and approved and if it includes a section that amends the definition of "degradation" contained in 75-5-103, then the definition of degradation provided in [section 3 of this act], amending 75-5-103, is effective and the definition provided in Senate Bill No. 330 is void."

Renumber: subsequent sections



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

19. Page 19, lines 15 and 16.

Strike: "SECTION" through "ACT."

Insert: "[This act] does not apply to civil or administrative actions commenced prior to [the effective date of this act] or to claims made in those actions, except that compliance plans resulting from those actions must reflect changes made by [this act]."

And, as amended, be concurred in. Report adopted.

**SB 346**, be amended as follows:

1. Page 4, line 20.

Following: "(5)"

Insert: "(a)"

2. Page 4.

Following: line 22

Insert: "(b) During the period of the temporary modification, the board may not allow a discharge that will cause water quality to become worse than the quality of the water body or segment prior to the discharge."

And, as amended, be concurred in. Report adopted.

**SB 347**, be amended as follows:

1. Title, line 6.

Following: "1."

Insert: "ALLOWING THE BOARD TO WAIVE SURVEY REQUIREMENTS; "

2. Page 1, line 12.

Following: "easements."

Insert: "For an easement granted pursuant to this subsection, the board may waive all or a portion of the survey requirements of 77-2-102, subject to any conditions that the board may impose."

And, as amended, be concurred in. Report adopted.

**SB 349**, be amended as follows:

1. Page 5, line 22.

Strike: "formation"

Insert: "emission"

2. Page 5, line 29.

Strike: "creation"

Insert: "emission"

3. Page 5, line 30.

Strike: "heavy metals,"

4. Page 6, line 10.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Following: "including"  
Insert: "heavy metals and"

5. Page 6, line 11.  
Strike: "heavy metals,"

And, as amended, be concurred in. Report adopted.

**SB 371**, be amended as follows:

1. Page 6, line 15.  
Strike: "75-3-303"  
Insert: "75-5-303 based on"

2. Page 9, line 10.  
Strike: "75-3-303"  
Insert: "75-5-303"

3. Page 10, line 14.  
Following: "hiking,"  
Insert: "hunting,"

4. Page 10, line 24.  
Following: "EXPLORATION"  
Insert: "permitted under and"

And, as amended, be concurred in. Report adopted.

**SJR 15**, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
**SB 249**, be amended as follows:

3/22/95

1. Title, line 10.  
Following: "~~DELAYED~~"  
Insert: "A DELAYED"

2. Title, line 11.  
Strike: "DATES"  
Insert: "DATE"

3. Page 13, lines 7 through 9.  
Strike: Section 25 in its entirety  
Renumber: subsequent section

4. Page 13, line 11.  
Strike: "DATES"  
Insert: "date"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

5. Page 13, lines 11 and 12.

Strike: "(1)"

Strike: "[SECTIONS 1 THROUGH 24] ARE"

Insert: "[This act] is"

6. Page 13, line 12.

Strike: "2001"

Insert: "1996"

7. Page 13, line 13.

Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

**SB 301**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/22/95

**HB 590**, introduced bill, be amended as follows:

1. Title, line 9.

Following: line 8

Insert: "IMMEDIATE"

2. Page 1, lines 16 through 18.

Strike: lines 16 through 18 in their entirety

3. Page 3, line 3.

Page 4, line 11.

Page 4, line 17.

Strike: "commerce"

Insert: "revenue"

4. Page 3, lines 10 and 11.

Strike: "no more than" on line 10

Strike: "may" on line 10

Insert: "must"

Strike: "of the same political party," on lines 10 and 11

Following: "house" on line 11

Insert: "and two must be appointed by the house minority leader"

5. Page 3, line 12.

Strike: "no more than"

Strike: "may"

Insert: "must"

Strike: "of the same political party,"

6. Page 3, line 13.

Strike: "committee on committees"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

Insert: "president of the senate and two must be appointed by the senate minority leader"

7. Page 3, line 14.

Strike: "July"

Insert: "May"

8. Page 3, line 18.

Insert: "(5) The legislative fiscal analyst and the department of revenue shall provide staff assistance."

9. Page 3, line 26.

Insert: "NEW SECTION. Section 4. Scope. The task force may devise a strategy for outlining the scope of its study and prioritizing issues that it will address. It may limit its study to the most important issues. If the task force limits its study, it shall include in its report to the governor and the legislature any plan for addressing the remaining issues."

Renumber: subsequent sections

10. Page 3, line 28.

Strike: "September"

Insert: "July"

11. Page 4, line 4.

Page 4, line 11.

Page 4, line 13.

Strike: "6"

Insert: "7"

12. Page 4, line 20.

Strike: "July 1, 1995"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

**HB 598**, introduced bill, do pass. Report adopted.

**HB 601**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SECTIONS"

Insert: "15-50-101,"

Strike: "AND"

Insert: ", "

Following: "15-50-206,"

Insert: "AND 18-1-106,"

2. Page 1, line 12.

Insert: "Section 1. Section 15-50-101, MCA, is amended to read:

"15-50-101. ~~Definition~~ Definitions. As used in this chapter, the following definitions apply:

(1) "Department" means the department of revenue as provided in 2-15-1301.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

(2) ~~In this chapter, for the purposes hereof, "gross~~ "Gross receipts" means all receipts from sources within the state, whether in the form of money, credits, or other valuable consideration, received from, engaging in, or conducting a business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, taxes, losses, or any other expense whatsoever. However, gross receipts ~~shall~~ does not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectible accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(3)(a) "Public contractor" means any person who submits a proposal to perform or enters into a contract for performing public construction work in the state with the federal government or state of Montana; with any board, commission, or department of the state; with any board of county commissioners, any city or town council, or any agency of any of them; or with any other public board, body, commission, or agency authorized to let or award contracts for any public work when the contract cost, value, or price of which exceeds the sum of \$5,000.

(b) The term public contractor includes subcontractors undertaking to perform work within their field of contracting and within the limits of their class of license covered by the original contract or any part of the contract when the contract cost, value, or price of which exceeds the sum of \$5,000."

Renumber: subsequent sections

3. Page 1, lines 21 through 29.

Strike: subsection (3) in its entirety

4. Page 2, line 20.

Insert: "NEW SECTION. Section 4. Inspection of books of contractor. The books and records of a public contractor must be subject to inspection by the department during reasonable hours.

NEW SECTION. Section 5. Estimation of tax upon failure to file statement or pay tax -- notice. (1) If a person fails, neglects, or refuses to file the statement required by 15-50-206 within the time required or fails to pay the tax required by this chapter on or before the date payment is due, the department shall proceed to inform itself as best it may regarding the total gross income of the person from its contracting business within this state during the quarter.

(2) The department shall compute the amount of license taxes due from the person and shall mail to the person a letter and tax assessment statement setting forth the amount of delinquent license tax, penalty, and interest due. The letter must advise that if payment is not made, a warrant for distraint may be filed.

NEW SECTION. Section 6. Penalty and interest for delinquency -- waiver. (1) License taxes due under this chapter become delinquent if not paid within 30 days after payment to the contractor. The department shall add to the amount of all delinquent license taxes a penalty of 10% of the amount of license taxes plus interest at the rate of 1% per month or fraction of a month, computed on the total amount of license taxes. Interest is computed from the date the license taxes were due to the date of payment.

(2) The 10% penalty may be waived by the department if reasonable cause for the failure or neglect to file the statement required by 15-50-206 or pay the tax due is provided to the department.

NEW SECTION. Section 7. Warrant for distraint. If all or part of the tax imposed by this chapter is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7. The resulting lien has precedence over any claim, lien, or demand that is filed and recorded after the warrant is issued.

NEW SECTION. Section 8. Disposal of license taxes. License taxes collected under this chapter must be deposited by the department with the state treasurer, who shall credit them to the general fund of the state.

Section 9. Section 18-1-106, MCA, is amended to read:

"18-1-106. Department of commerce to determine residency of selected contractors -- applications for redetermination -- determination as prima facie evidence. (1) The department of commerce shall determine whether or not certain contractors, ~~issued public contractor's licenses under the provisions of Title 37, chapter 71,~~ are residents of the state of Montana within the meaning of 18-1-102 and 18-1-103. Any public agency charged by law

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

with the responsibility for the execution of any contract subject to the provisions of 18-1-102 may request that a determination of resident/nonresident status be made by the department. All requests must specify the name and address of the licensed public contractor for whom a determination of resident/nonresident status is required.

(2) If a determination is made that a ~~licensed~~ public contractor is not a resident but ~~he~~ thereafter qualifies as ~~such a resident~~, ~~he the contractor~~ may apply to the department of commerce for a redetermination of ~~his~~ residency. If, upon redetermination, the ~~licensed~~ public contractor is found to qualify as a resident, ~~he shall the contractor must~~ be furnished a letter by the department attesting to ~~such resident~~ status.

(3) The determination of the department of commerce that a ~~licensed~~ public contractor is or is not a resident within the meaning of 18-1-102 and 18-1-103 is prima facie evidence of that fact."

NEW SECTION. Section 10. Codification instruction. [Sections 4 through 8] are intended to be codified as an integral part of Title 15, chapter 50, part 3, and the provisions of Title 15, chapter 50, apply to [sections 4 through 8]."

Renumber: subsequent sections.

And, as amended, do pass. Report adopted.

**SB 138**, be amended as follows:

1. Title, line 5.

Following: "ACT"

Insert: "REVISING THE TAXATION OF CERTAIN LAND BY"

Strike: "TAXATION"

Insert: "CLASSIFICATION"

Following: "ACRE OF"

Insert: "QUALIFYING"

2. Title, line 6.

Following: "AGRICULTURAL"

Insert: "AND CLARIFYING THE VALUATION OF LAND DESCRIBED IN SECTION 15-6-133(1)(C), MCA"

3. Title, line 7.

Following: "SECTIONS"

Insert: "15-6-133,"

Strike: "AND"

Following: "15-7-206"

Insert: ", AND 15-7-221,"

Following: "PROVIDING AN"

Insert: "IMMEDIATE EFFECTIVE DATE, AND"

Strike: "DATE"

Insert: "DATES"

4. Title, line 8.

Strike: "AND" through "PROVISION"

5. Page 1, line 30.

Following: "~~value~~"

Insert: ", including 1-acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

6. Page 4, line 5.

Following: "LAND"

Insert: ", other than land described in 15-6-133(1)(c),"

7. Page 5, line 13.

Insert: "Section 4. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at a production level set by the department the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 5. Section 15-7-221, MCA, is amended to read:

"15-7-221. Phase in of the taxable value of agricultural land. The increase or decrease in taxable value of agricultural land resulting from the change in the method of determining productive capacity value under 15-7-201 must be phased in beginning January 1, 1994, as follows:

(1) For the year beginning January 1, 1994, and ending December 31, 1994, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 25% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(2) For the year beginning January 1, 1995, and ending December 31, 1995, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 50% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(3) For the year beginning January 1, 1996, and ending December 31, 1996, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 75% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(4) Beginning January 1, 1997, the taxable value of agricultural land in each land use and production category is equal to 100% of the productive capacity value of agricultural land determined under 15-7-201 times

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

the class three tax rate.

(5) This section does not apply to land described in 15-6-133(1)(c)."

Renumber: subsequent sections

8. Page 5, lines 14 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 20.

Strike: "[This act] applies"

Insert: "(1) [Sections 1 through 3] apply"

10. Page 5.

Following: line 21

Insert: "(2) [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, March 23, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

6. Page 4, line 5.

Following: "LAND"

Insert: ", other than land described in 15-6-133(1)(c),"

7. Page 5, line 13.

Insert: "Section 4. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at ~~a production level set by the department~~ the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 5. Section 15-7-221, MCA, is amended to read:

"15-7-221. Phase in of the taxable value of agricultural land. The increase or decrease in taxable value of agricultural land resulting from the change in the method of determining productive capacity value under 15-7-201 must be phased in beginning January 1, 1994, as follows:

(1) For the year beginning January 1, 1994, and ending December 31, 1994, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 25% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(2) For the year beginning January 1, 1995, and ending December 31, 1995, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 50% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(3) For the year beginning January 1, 1996, and ending December 31, 1996, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 75% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(4) Beginning January 1, 1997, the taxable value of agricultural land in each land use and production category is equal to 100% of the productive capacity value of agricultural land determined under 15-7-201 times



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

the class three tax rate.

(5) This section does not apply to land described in 15-6-133(1)(c)."

Renumber: subsequent sections

8. Page 5, lines 14 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 20.

Strike: "[This act] applies"

Insert: "(1) [Sections 1 through 3] apply"

10. Page 5.

Following: line 21

Insert: "(2) [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, March 23, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

6. Page 4, line 5.

Following: "LAND"

Insert: ", other than land described in 15-6-133(1)(c),"

7. Page 5, line 13.

Insert: "Section 4. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at ~~a production level set by the department~~ the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 5. Section 15-7-221, MCA, is amended to read:

"15-7-221. Phase in of the taxable value of agricultural land. The increase or decrease in taxable value of agricultural land resulting from the change in the method of determining productive capacity value under 15-7-201 must be phased in beginning January 1, 1994, as follows:

(1) For the year beginning January 1, 1994, and ending December 31, 1994, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 25% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(2) For the year beginning January 1, 1995, and ending December 31, 1995, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 50% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(3) For the year beginning January 1, 1996, and ending December 31, 1996, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 75% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(4) Beginning January 1, 1997, the taxable value of agricultural land in each land use and production category is equal to 100% of the productive capacity value of agricultural land determined under 15-7-201 times

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

the class three tax rate.

(5) This section does not apply to land described in 15-6-133(1)(c)."

Renumber: subsequent sections

8. Page 5, lines 14 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 20.

Strike: "[This act] applies"

Insert: "(1) [Sections 1 through 3] apply"

10. Page 5.

Following: line 21

Insert: "(2) [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, March 23, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

6. Page 4, line 5.

Following: "LAND"

Insert: ", other than land described in 15-6-133(1)(c),"

7. Page 5, line 13.

Insert: "Section 4. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at a production level set by the department the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 5. Section 15-7-221, MCA, is amended to read:

"15-7-221. Phase in of the taxable value of agricultural land. The increase or decrease in taxable value of agricultural land resulting from the change in the method of determining productive capacity value under 15-7-201 must be phased in beginning January 1, 1994, as follows:

(1) For the year beginning January 1, 1994, and ending December 31, 1994, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 25% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(2) For the year beginning January 1, 1995, and ending December 31, 1995, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 50% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(3) For the year beginning January 1, 1996, and ending December 31, 1996, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 75% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(4) Beginning January 1, 1997, the taxable value of agricultural land in each land use and production category is equal to 100% of the productive capacity value of agricultural land determined under 15-7-201 times

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

the class three tax rate.

(5) This section does not apply to land described in 15-6-133(1)(c)."

Renumber: subsequent sections

8. Page 5, lines 14 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 20.

Strike: "[This act] applies"

Insert: "(1) [Sections 1 through 3] apply"

10. Page 5.

Following: line 21

Insert: "(2) [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, March 23, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

6. Page 4, line 5.

Following: "LAND"

Insert: ", other than land described in 15-6-133(1)(c),"

7. Page 5, line 13.

Insert: "Section 4. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at ~~a production level set by the department~~ the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 5. Section 15-7-221, MCA, is amended to read:

"15-7-221. Phase in of the taxable value of agricultural land. The increase or decrease in taxable value of agricultural land resulting from the change in the method of determining productive capacity value under 15-7-201 must be phased in beginning January 1, 1994, as follows:

(1) For the year beginning January 1, 1994, and ending December 31, 1994, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 25% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(2) For the year beginning January 1, 1995, and ending December 31, 1995, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 50% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(3) For the year beginning January 1, 1996, and ending December 31, 1996, the taxable value of agricultural land in each land use and production category must increase or decrease from the December 31, 1993, value by 75% of the difference between the product of the productive capacity value of agricultural land for 1994 determined under 15-7-201 times the class three tax rate and the taxable value of agricultural land as of December 31, 1993.

(4) Beginning January 1, 1997, the taxable value of agricultural land in each land use and production category is equal to 100% of the productive capacity value of agricultural land determined under 15-7-201 times



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 22, 1995

the class three tax rate.

(5) This section does not apply to land described in 15-6-133(1)(c)."

Renumber: subsequent sections

8. Page 5, lines 14 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 20.

Strike: "[This act] applies"

Insert: "(1) [Sections 1 through 3] apply"

10. Page 5.

Following: line 21

Insert: "(2) [Sections 4 and 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1994.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, March 23, 1995. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk











